

UNIFIED DEVELOPMENT ORDINANCE

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Article 1.1. Fishers Vision

Sec. 1.1.1. General

Fishers is widely recognized as a highly desirable community to raise a family and grow a business due to deliberate choices the community has made over time. To maintain Fishers as a highly desirable community, the City Council adopted a new comprehensive plan known as Fishers 2040. Fishers 2040 plan was adopted on June 20, 2016, and the purpose of the Unified Development Ordinance (UDO) is to implement the goals, actions items and desires of the Fishers 2040 plan into specific development standards.

In addition, this UDO has been developed to support the City's visions to be “a smart, vibrant, and entrepreneurial city”. This UDO establishes baseline development standards to continue to promote the City of Fishers as a premier city in which to live, work, play and raise a family.

None of the standards in this UDO are intended to limit unique, and creative planning, site design and architecture. The Planning & Zoning Department embraces creative and new development options, and it is available to discuss those options with any land owner, developer or investor.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Article 1.2. Legal Provisions

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Sec. 1.2.1. Title & Authority

A. Title

This ordinance shall be formally known as the “City of Fishers Unified Development Ordinance,” and may be cited and referred to as the “Zoning Ordinance,” “Subdivision Control Ordinance,” “Unified Development Ordinance”, or “UDO”.

B. Authority

This UDO is adopted by the City pursuant to its authority under the laws of the State of Indiana, [IC 36-7-4 et seq.](#) Whenever codes cited in this UDO refer to Indiana Code which has been amended or superseded, this UDO shall be deemed amended about the new or revised code.

C. Relationship to the Comprehensive Plan

The City Council has instituted a comprehensive planning program to ensure that the anticipated growth within the City is organized, planned, and coordinated in a manner that will not place undue burdens on the City in its ability to provide urban services and facilities. This planning program has culminated in the preparation and adoption of a comprehensive plan. The comprehensive plan maps and policies shall be consulted when land use decisions pursuant to this UDO are being made, and used as criteria in making decisions upon land use requests.

D. Repealer

This UDO repeals and replaces all prior Zoning Ordinances, Unified Development Ordinances, and Subdivision Control Ordinances, and is hereby incorporated by reference into the Code of Ordinances, Fishers, Indiana.

E. Location of Ordinance

In accordance with Indiana law, copies of any material incorporated by reference into the UDO are on file in the Clerk-Treasurer’s office for public inspection. The office of the Clerk/Treasure and the Department shall keep additional copies of this UDO for the purposes of sale or distribution. The UDO is also available on the City’s website.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 1.2.2. Purpose & Intent

The purpose of this UDO is to secure adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessen or avoid congestion on public streets; preserve, protect and promote the public health, safety and general welfare of residents and businesses in the City. More specifically, this UDO is adopted to achieve the following objectives:

- A. Implement the policies and goals contained within officially adopted plans, including the Comprehensive Plan;
- B. Improve the built environment and human habitat;
- C. Protect water quality within watershed critical areas, the general watershed areas of designated water supply watersheds and other watershed districts;
- D. Encourage environmentally responsible development practices;
- E. Promote development patterns that support safe, effective and multi-modal transportation options, including auto, pedestrian, bicycle and transit and therefore minimize vehicle traffic by providing for a mixture of land uses, walkability and compact community form;
- F. Promote the greater health benefits of a pedestrian-oriented environment;

- G. Reinforce the character and quality of neighborhoods;
- H. Remove barriers to and provide incentives for walkable projects;
 - I. Protect and promote appropriately located commercial and office activities to preserve and strengthen the City’s economic base;
- J. Promote energy conserving and energy efficient development;
- K. Promote Salutogenic community amenities to strengthen community and individual well-being;
- L. Ensure adequate facilities are constructed to serve new development;
- M. Provide for orderly growth and development of suitable neighborhoods with adequate transportation networks, drainage and utilities and appropriate building sites;
- N. Save unnecessary expenditures of funds by requiring the proper initial construction of transportation networks, sidewalks, drainage facilities and utilities.

(Ord. [071618F](#), 07/19/2018; Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 1.2.3. Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged or used, nor shall any piece of land be used, nor shall any existing use be expanded except when in full compliance with all provisions of this UDO and the permits and certificates required by this UDO have lawfully been issued. For information regarding nonconforming structures see [CHAPTER 2. ADMINISTRATION](#) of the UDO.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 1.2.4. Severability

If any provision or the application of any provision of the UDO is held unconstitutional or invalid by the courts, the remainder of the UDO or the application of such provision to other circumstances shall not be affected.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Article 1.3. Applicability

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- Sec. 1.3.1. Jurisdiction & Exempt Entities**
- Sec. 1.3.2. Effective Date**
- Sec. 1.3.3. Ordinance Format**
- Sec. 1.3.4. Interpretation & Rules of Language**
- Sec. 1.3.5. Transition Ordinance**

Sec. 1.3.1. Jurisdiction & Exempt Entities

A. This UDO applies to all land, buildings, structures and uses located within corporate limits and the extraterritorial jurisdiction of the City of Fishers, Indiana, and any land within Townships that have entered joinder agreements with the City for the purposes of planning and zoning. To the extent allowed by law, the provisions of this UDO apply to all land, buildings, structures, and uses owned, leased, or otherwise controlled by any district, County, State or Federal government agencies.

B. The following governmental agencies and entities may be exempt from the UDO with approval by the City Council: The City of Fishers, Delaware and Fall Creek Townships, the County of Hamilton, the State of Indiana, Hamilton Southeastern Schools, Hamilton East Library, and regulated public utilities (hereinafter "Exempt Entities). This exemption shall not apply to any State or Federal Building or Fire code except for local ordinance requirements as applicable (see also [Sec. 10.2.12. Exempt Entities](#)) for permit process.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 1.3.2. Effective Date

This UDO was adopted on July 19, 2018 and became effective on July 20, 2018, by Ordinance No. 071618F.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 1.3.3. Ordinance Format

A. Format

The structure of the text of the UDO is as follows:



B. Cross-References

1. **Electronic Format.** If used in the electronic format, certain aspects of this document allow the user to quickly navigate the document by clicking on hyperlinks and quick access chapter tabs
2. **Chapter Table of Contents.** The Article headings located in the table of contents at the beginning of each Chapter may be clicked to direct the user to that Article within the Chapter.
3. **UDO Cross-References.** In-line text cross-references to other Articles or Sections within this document are *colored and emphasized in italics*. Chapters are also emphasized in all capitals for example; [CHAPTER 3. ZONING DISTRICTS](#). Clicking on the emphasized text will direct the user to the cross-referenced Article.
4. **Non-UDO Cross-References.** The UDO includes cross-references to documents and websites outside of this document. These cross-references are [colored and underlined](#). The documents or websites are highlighted for cross-reference only.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 1.3.4. Interpretation & Rules of Language

A. Abbreviations

The following phrases, personnel, and document titles are shortened in this code:

1. Advisory Plan Commission = Commission
2. Board of Zoning Appeals = Board
3. City Council = Council
4. City of Fishers = City
5. Planning and Zoning = Department
6. Director of the Department = Director
7. Technical Advisory Committee = TAC

B. Minimum Requirements

The provisions of this UDO are the minimum requirements for securing the provisions of [Sec. 1.2.2. Purpose & Intent.](#)

C. Conflict or Inconsistency

1. **Internal.** Unless otherwise specifically stated within this UDO, if two (2) or more provisions of this ordinance are in conflict or are inconsistent with one another, then the more restrictive provision shall apply.
2. **Federal, State, and Local.**
 - a. Whenever a provision of the UDO imposes a greater restriction or a higher standard than is required by any State or federal code or regulation, or other County or City ordinance or regulation.
 - b. Whenever a provision of any State or federal code or regulation, or other County or City ordinance or regulation imposes a greater restriction or a higher standard than is required by the UDO, the provision of the State or federal code or regulation, or other County or City ordinance or regulation shall apply, unless precluded by said code, ordinance or regulation, the provision of the UDO shall apply.
3. **Other.** Whenever a private covenant, contract, commitment, agreement, or other similar private land use regulation imposes a greater restriction or a higher standard than is required by a provision of the UDO, the City is not obligated to enforce the provisions of such private covenants, contracts, commitments, agreements, or other similar regulations to which the City is not a party.

D. Text

If there are found to be differences between the text of this UDO and the meaning and implication of any drawing, table, figure, title or section heading, then the text shall prevail.

E. Graphics

Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

F. Time Frames

Unless specifically noted otherwise, time frames stated within this UDO shall be calculated to include weekdays, weekends, and holidays. If a time frame ends on a Saturday, Sunday, or holiday when the City offices are closed, then the time frame will be extended to the end of the next business day.

G. Delegation of Authority

If a provision in this UDO requires the Director to perform an act or duty, that provision shall also include any person working under the Director's authority and supervision unless specified otherwise.

H. Mandatory and Permissive Terms

The words "shall," or "must" are always mandatory and "may" or "should" are always permissive.

I. Words Used

If words used in this UDO are not defined in [CHAPTER 12. DEFINITIONS](#), they shall be construed to be the common usage of the language. Any legal or technical words not defined in this UDO shall be construed to be as defined by appropriate lexicon or current and common dictionary (e.g., Merriam- Webster's Collegiate Dictionary).

J. Tense

If words are used in a specific tense (past, future, or present) it shall be construed to include all tenses, unless in context, it clearly indicates a single tense.

K. Singular/Plural Form

If words are used in singular form then the plural form shall apply and vice versa, unless, in context, it clearly indicates one form or the other.

L. Conjunctions

“And” shall be construed to include all connected items in a series, conditions, and provisions, and “or” shall be construed to include one (1) or more of the items in a series, conditions, and provisions.

M. Gender

Words used in the masculine gender include the feminine gender and the neuter, and vice versa.

(Ord. [071618F](#), 07/19/2018; Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 1.3.5. Transition Ordinance

A. Applications

Any complete application that has been filed with the City, prior to the effective date of this UDO, shall be regulated by the terms and conditions of the [Zoning Ordinance](#), [Subdivision Control Ordinance](#) or UDO that was in place at the time of filing. However, all administrative procedures and fees shall follow those set forth by this UDO.

B. Buildings

All new building [sites](#) shall meet the requirements of the UDO unless:

1. A complete [Building Permit](#) application was filed and is still valid; or
2. A complete [Improvement Location Permit](#) application was filed and is still valid; or
3. A [parcel](#) was approved as a buildable lot by the Commission (valid [Primary](#) or [Secondary Plat](#)) or the Board (valid [Development Standards Variance](#)) prior to the effective date of this UDO; or
4. A complete and valid [Primary Plat](#) application has been filed with the Department prior to the effective date of this UDO.

C. Pre-Existing Land Owned for a Current or Planned Place of Worship

A property owned on July 11, 2018, by the [owner](#) or its affiliate for a current or planned place of worship shall be exempt from the UDO's [Special Exception](#) requirement if the property owner submits in writing on or before January 11, 2019, to the Director a notice that identifies:

1. the property as being owned for a current or planned place of worship;
2. the property owner (along with a [copy](#) of the current deed); and
3. the property's common address and Hamilton County parcel number.

(Ord. [071618F](#), 07/19/2018; Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Article 1.4. Official Zoning Map

Contents:

Sec. 1.4.1. Purpose & Intent

Sec. 1.4.2. Establishment of Official Zoning Map

Sec. 1.4.3. Interpretation of Map Boundaries

Sec. 1.4.1. Purpose & Intent

This Article establishes the framework for zoning districts within the City and their relationship to the City's Comprehensive Plan Land Use categories. This chapter also establishes the zoning map as the official designation of zoning district boundaries.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 1.4.2. Establishment of Official Zoning Map

- A. The boundaries of the zoning districts are hereby established on a map entitled, "City of Fishers Official Zoning Map", which is hereby incorporated into and made part of this UDO. Notations, references, indications, and other matters shown on the Official Zoning Map are as much a part of this UDO as if they were fully described herein. The Official Zoning Map shall be formally known as the "Official Zoning Map" and it may be cited and referred to as the "Fishers Zoning Map" or the "Zoning Map."
- B. The electronic zoning map is maintained as part of the City's Geographic Information System (GIS) under direction of the Department and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the jurisdictional area.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 1.4.3. Interpretation of Map Boundaries

- A. The zoning district boundaries shall be shown on the Official Zoning Map. If any uncertainty exists with respect to the intended boundaries as shown on the Official Zoning Map, the Director is authorized to interpret the boundaries.
- B. District boundaries on the Official Zoning Map shall be interpreted as follows:
1. Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected road, easement, or right-of-way.
 2. Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way at the boundaries of the planning jurisdiction shall be deemed to include the full width of such roads, easements, and transportation rights-of-way.
 3. Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, platted lot lines, or City corporation lines shall be construed as following or paralleling such lines.
 4. Zoning district boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines as they may naturally shift over time.
 5. Zoning district boundaries indicated as approximately following the parcel lines as established by the Hamilton County Office of Transfer and Mapping shall be construed to follow such parcel lines.
- C. The vacation of streets shall not affect the location of zoning district boundaries. Such boundaries must be reviewed, and, if necessary, a formal amendment shall be made to the Official Zoning Map.
- D. When the Director cannot determine the location of a zoning district boundary, the Board shall determine the location of the zoning district boundary.

E. The Overlay District boundaries on the Official Zoning Map shall be interpreted as follows:

1. An overlay district shall be depicted on the Official Zoning Map with a hatch or textured pattern and be identified as such on the map legend.
2. A lot that is fully covered (bounded) by an overlay district shall be entirely subject to the overlay district standards found in [CHAPTER 4. OVERLAY ZONING DISTRICTS](#).
3. A lot that is partially covered (transected) by an overlay district shall be subject to the overlay district to the extent that the lot area is covered by the overlay district.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

CHAPTER 2. ADMINISTRATION

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Article 2.1. General Administration

Article 2.2. Review Authority

Article 2.3. Nonconformities

Article 2.1. General Administration

Contents:

Sec. 2.1.1. General

Sec. 2.1.1. General

A. Fee Schedule

Filing fees for applications and petitions filed pursuant to the UDO are set forth in the City's [Fee Schedule](#). The Fee Schedule is established by resolution of the Council. Copies of the Fee Schedule shall be available in the office of the City Clerk/Treasurer and in the office of the Department.

1. **Impact Fee.** Impact Fees applicable to the planning and zoning jurisdiction of the City found in the [Fishers Code of Ordinances; Title XV: Land Usage; Chapter 156: Administration, Permits, and Fees](#) are hereby incorporated by reference into the UDO.
2. **Exemption.**
 - a. No fee shall be required for City projects
 - b. All fees, except fees related to structural building permit issuance and associated inspections, as found in [Title III: Administration; Chapter 35: City Policies; Section 35.30: Fee Schedule of the Fishers, Indiana Code of Ordinances](#), shall be waived for Federal and State-owned projects.

B. Schedule of Meeting and Filing Dates

The Department shall maintain an annual Schedule of Meeting and Filing Dates for the Commission and any committees, Board, and TAC. Modifications of filing dates may be considered and granted on a case-by-case bases if determined reasonable by the Department. The existence of this calendar shall not be interpreted as prohibiting special meetings or changes of meeting dates by the Commission and committees, Board, or TAC. The schedule shall be made available in the office of the Department.

C. Summary of Authority

The decision-making bodies and officials described herein, without limitation upon such authority as each may possess by local and Indiana law, have responsibility for implementing and administering the UDO in the manner described herein.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Article 2.2. Review Authority

Contents:

Sec. 2.2.1. Board of Zoning Appeals

Sec. 2.2.2. Common Council

Sec. 2.2.3. Advisory Plan Commission

Sec. 2.2.4. Director of the Department

Sec. 2.2.5. Committees Appointed by Rule (Reference Only)

Sec. 2.2.6. Floodplain Administrator

Sec. 2.2.1. Board of Zoning Appeals

A Board of Zoning Appeals ("Board") is hereby established with membership and appointment provided in accordance with Indiana law and all acts now or hereafter amendatory thereto. The powers and duties of the Board are defined by Indiana law and are generally described below.

A. Duties

1. The Board shall adopt rules ("[Rules of Procedure of the Board](#)") as it may deem necessary to establish the conduct in which the Board meetings are handled.
2. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Department and shall be a public record.

B. Appeals of Administrative Decisions

1. Any decision of the Director in enforcement or application of the UDO may be appealed to the Board by any person claiming to be adversely affected by such decision.
2. The Board shall hear and determine appeals from and review any order, requirement, decision or determination made by the Director in the enforcement of the UDO .
3. see also [Sec. 10.2.3. Appeal of Administrative Determination](#).
4. Every decision of the Board shall be subject to review pursuant to [I.C. 36-7-4-1016](#).

C. Special Exception

The Board shall approve or deny all Special Exceptions in accordance with the UDO, but only in the situations specified herein. The Board may impose reasonable conditions or commitments as a part of its approval (see also [Sec. 10.2.19. Special Exceptions](#)).

D. Variances of Use

The Board shall approve or deny variances of land use in accordance with the UDO (see also [Sec. 10.2.24. Variance](#)).

E. Variances of Development Standards

The Board shall approve or deny variances from the development standards in accordance with the UDO (see also [Sec. 10.2.24. Variance](#)).

F. Variances of Floodplain Standards

The Board shall approve or deny variances from [CHAPTER 9. FLOODPLAIN STANDARDS](#) in accordance with the UDO (see also [Sec. 10.2.24. Variance](#)).

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 2.2.2. Common Council

The powers and duties of the Common Council of the City of Fishers, Hamilton County, Indiana (“Council”), regarding the UDO, are defined by Indiana law and generally described below.

A. Duties

Duties should be interpreted as activities that are obligations and generally include:

1. **Plans and Ordinances.** Adopt, reject, or amend the Comprehensive Plan, any other plans, the Zoning Ordinance, and the Subdivision Control Ordinance (collectively, the UDO) as certified and submitted by the Commission.
2. **Plan and Ordinance Amendments.** Adopt, reject, or amend proposals to amend or partially repeal the text of the Comprehensive Plan, any other plans, and the UDO as certified and submitted by the Commission.
3. **Zoning Map Amendments.** Adopt, reject, or amend proposals to amend the Official Zoning Map certified by the Commission (see also [Sec. 10.2.25. Zoning Map Change \(Rezone\)](#)).
4. **Planned Unit Developments.** Adopt, reject, or amend proposals for Planned Unit Development Districts as certified by the Commission (see also [Sec. 10.2.16. Planned Unit Development](#)).
5. **Fee Schedule.** Adopt, reject, or amend proposals to adopt or amend a Fee Schedule (see also [Article 2.1. General Administration](#)).
6. **Other Duties:** All additional duties as established by Indiana law.

B. Powers

Powers should be interpreted as activities that are optional and may be initiated by the Council and include:

1. **Plan and Ordinance Amendments.** Initiate amendments to the text of the Comprehensive Plan, any other plans, or the UDO.
2. **Zoning Map Amendments.** Initiate amendments to the Official Zoning Map.
3. **Other Powers.** To take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of the UDO and all additional powers as permitted by Indiana law.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 2.2.3. Advisory Plan Commission

The powers and duties of the City of Fishers Advisory Plan Commission (“Commission”) are defined by Indiana law and are generally described below. The Commission may delegate its authority to the Department or a committee to perform ministerial acts except where final action of the Commission is necessary.

A. Duties

Duties should be interpreted as activities that are obligations and generally include:

1. Recommends and maintain a Council approved Comprehensive Plan and UDO as authorized under Indiana law.
2. Adopt and maintain rules and procedures for holding meetings (“[Rules of Procedure of the Commission](#)”), holding public hearings, and administering and enforcing the Comprehensive Plan, and UDO.
3. Maintain complete records of all meetings, hearings, correspondence, and affairs of the Commission.
4. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Commission.
5. Certify and submit recommendations to the Council including new versions of and revisions to the Comprehensive Plan, UDO, and the Official Zoning Map (see also [Sec. 10.2.25. Zoning Map Change \(Rezoning\)](#)).
6. Certify and submit recommendations to the Council for adopting a Planned Unit Development Districts (see also [Sec. 10.2.16. Planned Unit Development](#)).
7. Approve or deny plats or replats of Subdivisions (see also [Sec. 10.2.20. Subdivision \(Platting\)](#)).
8. Approve or deny requests for waivers pursuant to the UDO (see also [Sec. 7.1.4C. Subdivision Control Waivers](#)).
9. Approve or deny Development Plans and amendments to Development Plans (see also [Sec. 10.2.10. \(RESERVED FOR FUTURE USE\)](#)).
10. Enforce regulations and procedures of the Comprehensive Plan and UDO to the extent of the local resolutions, ordinances, and Indiana law.
11. Other duties as permitted by Indiana law.

B. Powers

Powers should be interpreted as activities that are optional to be initiated and include:

1. Distribute copies or summaries of the Comprehensive Plan or the UDO to the public and development community.
2. Other powers as permitted by Indiana law.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 2.2.4. Director of the Department

A. Administrative Officer

It shall be the duty of the Director of the Department (“Director”) to enforce and render interpretations of the provisions of the UDO and receive applications required by the UDO, issue permits, and furnish the prescribed certificates.

B. Department Duties

In accordance with Indiana law, the Director, or designee, shall have the responsibility and authority to administer and enforce the UDO as follows:

1. Maintain a Council approved Comprehensive Plan and the UDO, as authorized under Indiana law.
2. Maintain rules of procedures for the Board and Commission meetings, holding public hearings, as well as enforcing the Comprehensive Plan and UDO.
3. Maintain complete records of all meetings, hearings, correspondence and affairs of the Board and Commission.
4. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Commission. All such records shall be open to public inspection during the Department's normal hours of business.
5. Maintain a permitting process and seal used to certify official or approved documents. Keep careful and comprehensive records of applications, of permits issued, of certificates issued, or inspections made, or reports rendered, and of notices or orders issued. Retain on file, copies of all documents about building work so long as any part of the building or structure to which they relate may be in existence.
6. Approve or deny Development Plans and amendments to Development Plans (see also [Sec. 10.2.10. \(RESERVED FOR FUTURE USE\)](#)).
7. Examine premises for which permits have been issued, and make necessary inspections to see that the provisions of law have been met.
8. Enforce laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings, structures and land, except as may be otherwise provided for in local or Indiana law.
9. Issue such notices or orders as may be necessary for enforcing compliance with law or for preventing a violation of provisions of the UDO.
10. Other duties set forth herein or that may be delegated by the Commission or Council.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 2.2.5. Committees Appointed by Rule (Reference Only)

A. General

In accordance with State Law, the Commission may appoint a committee or committees by Rule. The Commission as established the following committees for review and approval authority over certain permit types within the UDO.

B. Planned Unit Development Committee

The Commission has established a Planned Unit Development Committee (the "PUD Committee") to serve as a decision-making and advisory body with the following responsibilities:

1. Review and decide upon Planned Unit Development applications for architectural design review and landscaping.
2. Other powers as permitted by Indiana State Code.

C. Plat Committee

The Commission has established a Plat Committee to serve as a decision-making body with the following:

1. Approve or deny plats or replats of Subdivisions (see also [Sec. 10.2.20. Subdivision \(Platting\)](#)).
2. Approve or deny requests for waivers pursuant to the UDO (see also [Sec. 7.1.4.C. Subdivision Control Waivers](#)).

D. Nickel Plate Review Committee

The Commission has established the Nickel Plate Review Committee to aid in the review and approval of all development for properties within the Zoning Districts of the Nickel Plate District, see Section 8, Administration; Nickel Plate District Code.

E. Technical Advisory Committee

1. Jurisdiction and Authority. The TAC has the following powers and duties about the implementation of the UDO:
 - a. To review and evaluate applications for variances or waivers and make recommendations to the Board, Commission, Committee(s), and Council, pursuant to the procedures and standards for variances or waivers set forth Sec. 10.1.2. Summary of Review Authority.
 - b. To review and evaluate Development Plans and site plans, and make recommendations to the Board, Commission, Committee(s), and Council, as may be appropriate, pursuant to the procedures and standards set forth in Sec. 10.1.2. Summary of Review Authority.
 - c. To review and evaluate Primary and Secondary Plats, and make recommendations to the Board, Commission, Committee(s), and Council, pursuant to the procedures and standards set forth in Sec. 10.1.2. Summary of Review Authority.
 - d. To take such other actions as delegated by the Director or other bodies which may be desirable and necessary to implement the provisions of the UDO.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 2.2.6. Floodplain Administrator

A. Enforcement

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of CHAPTER 9. FLOODPLAIN STANDARDS.

B. Interpretation

The Floodplain Administrator is further authorized to render interpretations of CHAPTER 9. FLOODPLAIN STANDARDS that are consistent with its purpose and intent (see also Sec. 9.1.2.A.3. Purpose & Intent).

C. Duties of the Floodplain Administrator

The duties of the Floodplain Administrator shall include, but not be limited to:

1. Review all Floodplain Development Permits to assure the permit requirements of the UDO have been satisfied;
2. Inspect and inventory damaged structures in Special Flood Hazard Areas (SFHA) and complete substantial damage determinations;
3. Ensure construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Sec. 9.1.5.D. Standards for Identified Floodways and Sec. 9.1.5.F. Standards for SFHAs Without Established Based Flood Elevation and/or Floodways/Fringes, and maintain a record of such authorization (either copy of the actual Permit or floodplain analysis/regulatory assessment);
4. Ensure all necessary Federal or State permits have been received prior to issuance of the local Floodplain Development Permit. Copies of such federal or State permits are to be maintained on file with the local Floodplain Development Permit;
5. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
6. Maintain for public inspection and furnish upon request local Floodplain Development Permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of Indiana Department of Natural Resources (DNR) permits 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 CHAPTER 9. FLOODPLAIN STANDARDS;
7. Utilize and enforce all LOMR or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;
8. Assure maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
9. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with CHAPTER 9. FLOODPLAIN STANDARDS;
10. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with CHAPTER 9. FLOODPLAIN STANDARDS;
11. Review certified plans and specifications for compliance.

D. Powers

1. Stop Work Orders.

- a. Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of [CHAPTER 9. FLOODPLAIN STANDARDS](#) shall immediately cease;
- b. 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 resume.

2. Revocation of Permits.

- a. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of this UDO, in cases where there has been any false statement of misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- b. The Floodplain Administrator may revoke a permit upon determination 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 UDO.

3. Inspections.

For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized City officials shall have the right to enter and inspect properties located in the SFHA.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Article 2.3. Nonconformities

Contents:

Sec. 2.3.1. General

Sec. 2.3.2. Nonconforming Buildings & Structures

Sec. 2.3.3. Nonconforming Lots of Records

Sec. 2.3.4. Nonconforming Uses, Land, or Structures & Land in Combination

Sec. 2.3.5. Nonconforming Signs

Sec. 2.3.6. Nonconforming Telecommunication Facilities

Sec. 2.3.7. Repairs & Maintenance

Sec. 2.3.8. Nonconforming Accessory Site Features

Sec. 2.3.1. General

A. Purpose & Intent

1. Upon adoption of the UDO and [Official Zoning Map](#), some buildings, structures, lots, and uses may no longer conform to the regulations of the zoning district in which they are located. For this reason, this Article provides the rules, policies and regulations that apply to these buildings, structures, lots, and uses referred to as [legal nonconforming](#) (see also [Sec. 2.3.1.B.2.](#)).
2. Any building, structure, sign, or telecommunication facility not meeting such requirements is an illegal nonconforming and must be removed within 90 days of annexation.

B. Distinction between Legal Nonconforming and Illegal Nonconforming

1. A building, structure, or lot which was constructed or is being used without an approved Building Permit, Improvement Location Permit or approval from the Board or Commission is considered illegal nonconforming when it does not conform to the UDO. An illegal nonconforming property shall be subject to actions and penalties allowed by the UDO and all other applicable Municipal law and shall be altered to conform with all applicable standards and regulations of the UDO.
2. Legal nonconforming differs from illegal nonconforming in that the reason for the nonconformance is caused by a change to the UDO. The building, structure, lot or use has not changed, but due to the ordinance change, the property no longer conforms to the policies and standards of the zoning district in which the property resides. When this situation occurs, the property is deemed legal nonconforming (another term commonly used is "grandfathered").

C. Annexation

If land is annexed into the City, then any building, structure, sign, or telecommunication facility that, upon such annexation that does not conform to the development standards at such time shall have legal nonconforming status if:

- a. Under applicable federal, State, County, and local regulations, the building or structure was legal in all respects immediately prior to annexation; and
- b. The annexation was not conditioned upon the removal or modification of the building or structure.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 2.3.2. Nonconforming Buildings & Structures

- A. Any occupied, lawfully established structure or building, excluding signs and telecommunication facilities (see also [Sec. 2.3.5. Nonconforming Signs](#) and [Sec. 2.3.6. Nonconforming Telecommunication Facilities](#)), that existed prior to the effective date of the UDO, or its subsequent amendments, and that does not meet the UDO development standards shall be deemed a legal nonconforming building or structure.
- B. Any building or structure which has existed and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the City during said period, and which was in existence on August 19, 2019 shall be deemed a nonconforming structure or building. Thereafter, such use shall be governed by the provisions of subsections (C & D) of this section.
- C. A legal nonconforming building or structure may continue if it remains the same or fits within the below described tolerances:
 1. Any legal nonconforming building or structure shall not be enlarged or altered in a manner that the enlargement or alteration increases its nonconformity, but the building or structure, or portion thereof, may be altered to maintain or decrease its nonconformity.
 2. Any legal nonconforming building or structure which is damaged or destroyed by more than 50% of its fair market value shall thereafter conform to the regulations of the zoning district in which it is located.
- D. If a building or structure is moved for any reason, at any distance, it shall thereafter conform to the provisions of the UDO.

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019)

Effective on: 8/19/2019

Sec. 2.3.3. Nonconforming Lots of Records

- A. All legally established and recorded lots prior to the effective date of the UDO, or its subsequent amendments, that no longer meet the lot standards shall be deemed a legal nonconforming lot of record.

- B. Legal nonconforming lots of record may be built upon only if the proposed use is permitted and all development standards of the applicable zoning district of the UDO are met.
- C. Once one (1) or more nonconforming lots of record have been combined into a single lot or parcel that either fully conforms with the standards of the zoning district, decreases the nonconformity, or is combined with a conforming lot or parcel, the individual lots shall lose their status as lots of record, and shall not thereafter be divided from one another except in the case that all the resulting lots are in full compliance with this UDO.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 2.3.4. Nonconforming Uses, Land, or Structures & Land in Combination

Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the UDO or its subsequent amendments that is no longer a permitted use in the zoning district where it is located shall be deemed a legal nonconforming use. A legal nonconforming use may continue if it remains otherwise lawful, subject to the following conditions:

- A. No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered unless it:
1. Complies with Sec. 2.3.4.D. for limited and small expansions; or
 2. Changes the use of the structure to a use permitted in the zoning district in which it is located, or
 3. Changes the use to be less intensive nonconforming use and is approved by the Director or Commission.
- B. No new building or structure shall be constructed in connection with an existing legal nonconforming use of land.
- C. Any legal nonconforming use of a structure may be extended throughout any parts of a building which were plainly arranged or designed for such use at the effective date of the UDO, but no such use shall be extended to occupy any land outside the building.
- D. In the case of the legal nonconforming use of a structure, the structure may be expanded one (1) time only. The expansion may not exceed 20% of the existing floor area. The expansion shall conform to all applicable development standards except landscaping standards, unless a variance of development standards is received from the Board. The expanded structure must comply with the appropriate parking standards required in Article 6.11. Parking & Loading Standards, as determined by the Director.
- E. If a legal nonconforming use is discontinued or abandoned for six (6) consecutive months, except when government action impedes access to the premises, any subsequent use of such land, structure or land and structure shall conform to the provisions of the UDO.
- F. When a legal nonconforming use is superseded by a permitted use, it shall thereafter conform to regulations of the district, and the legal nonconforming use status shall not thereafter be resumed.
- G. Where a legal nonconforming use applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Removal or destruction is defined as removal or damage of more than 50% of its fair market value at the time of destruction.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 2.3.5. Nonconforming Signs

Any sign lawfully existing on the effective date of the UDO, or amendment thereto, that does not conform to all the standards and regulations of the UDO is considered a legal nonconforming sign. The following apply to legal nonconforming signs:

- A. Signs that existed prior to the effective date of the UDO was passed and were in conformance with previous ordinances shall be legally nonconforming until such time a major change is made to the sign. Major changes include changing the size, changing the height, adding lights, altering light intensity, and/or relocation.
- B. All legal nonconforming signs shall be kept in good repair, safe, neat, clean and attractive condition. In the event nonconforming signs are not kept in said condition or are demolished by any force whatsoever to the extent of 50% or more of the fair market value of the sign structure, said signs shall then be made to conform to the UDO.
- C. Legal nonconforming signs that are structurally altered by a major change, or replaced shall comply immediately with all provisions of the UDO.
- D. **Right-of-way Acquisition.**
 - 1. Existing Conforming and Legal Nonconforming Signs: In the case of a legally established sign that would become a legal nonconformity due to its setback from the new right-of-way line or position within a redefined vision clearance triangle by right-of-way acquisition by any governmental entity, the sign shall be required to be relocated to a position that would bring it into compliance with the sign regulations of [Article 6.17. Signage Standards](#) and [Article 6.20. Vision Clearance Standards](#). The cost of such relocation should be factored into the price paid for the additional right-of-way during the condemnation proceedings.
 - 2. Existing Illegal Nonconforming Signs: In the case of illegal nonconforming signs that may be discovered during right-of-way acquisition by any government entity, the property owner or lessee shall remove the nonconforming at the cost of the property owner or lessee. Any replacement signs shall comply with the UDO.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 2.3.6. Nonconforming Telecommunication Facilities

- A. Telecommunication facilities in existence on or before the effective date of this UDO that do not conform to or comply with the telecommunication facility standards are considered legal nonconforming if:
 - 1. The telecommunications facility was covered by a Building Permit or variance on or before the effective date of this UDO if one was required under applicable law; or
 - 2. If no Building Permit was required under applicable law for the telecommunications facility in question, the telecommunications facility had legal nonconforming status at such time.
- B. Any nonconforming telecommunication facility in existence and that does not meet the criteria above for a legal nonconforming telecommunication facility is an unlawful telecommunication facility.
- C. **Loss of Legal Nonconforming Status.** A legal nonconforming telecommunications facility shall immediately lose its legal nonconforming status if:
 - 1. The telecommunication facility, because of improper installation or maintenance, constitutes a threat to public health or safety and remains in such condition after a reasonable time is given to remedy the problem;
 - 2. The telecommunication facility is demolished or damaged to the extent of 50% or more of its fair market value;
 - 3. The permit, variance or condition under which the telecommunication facility was allowed expires; or
 - 4. The telecommunication facility is substantially structurally altered to prolong its expected life.

On the happening of any one of the above-listed events, the telecommunication facility shall be immediately brought into conformance with the development standards in the UDO or shall be removed.

- D. Nothing in the telecommunication facility standards shall relieve the owner or user of a legal nonconforming telecommunication facility or owner of the property on which the legal nonconforming telecommunication facility is located from any provisions regarding safety, maintenance and repair of the telecommunication facility.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 2.3.7. Repairs & Maintenance

The following applies to legal nonconforming structures or buildings, and legal nonconforming uses of structures, or structures and land in combination:

- A. Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the square footage and volume of usable space existing when the structure became nonconforming shall not be increased.
- B. If a building or structure or portion of a building or structure were to become unsafe or condemned due to lack of repairs or maintenance, and is declared by an authorized official to be unsafe or condemned due to physical condition; the building or structure shall be restored, repaired, razed or rebuilt within six (6) months of the declaration.
- C. If the improvements have not been made within the six (6) months, the building or structure shall lose its legal nonconforming status and all future improvements must conform to all standards and regulations within the UDO.
- D. If a building or structure becomes unsafe or unlawful due to physical condition and is razed, any replacement building or structure shall be rebuilt in conformity with the zoning district in which it is located.
- E. Nothing in this Section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 2.3.8. Nonconforming Accessory Site Features

2.3.8

- A. Nonconforming accessory site features shall be brought into compliance with the current development standards at the time of issuance of any of the below:
 - 1. Commercial Building Permit including an Addition, New Building, Remodel, or Tenant Finishes
 - 2. Commercial Change of Use Permit
 - 3. Improvement Location Permit
 - 4. Subdivision Improvement Permit
 - 5. Variances
 - 6. Special Exceptions

(Ord. [031626B](#), 04/20/2026)

Effective on: 4/20/2026

CHAPTER 3. ZONING DISTRICTS

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Article 3.1. Establishment of Zoning Districts

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Article 3.1. Establishment of Zoning Districts

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Sec. 3.1.3. District Transition Table

Sec. 3.1.1. Purpose & Intent

Each of the standard zoning districts in the UDO stand alone and are not a part of a hierarchy or pyramidal system of zoning. For example, what is permitted in the R1 zoning district is not necessarily permitted in the R3 zoning district. Only those uses and development standards which are expressly permitted and noted for each zoning district apply to that zoning district.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 3.1.2. Legacy Districts

(RESERVED FOR FUTURE USE)

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 3.1.3. District Transition Table

(RESERVED FOR FUTURE USE)

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Article 3.2. Residential Districts

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Sec. 3.2.10. TCR Town Center Residential District

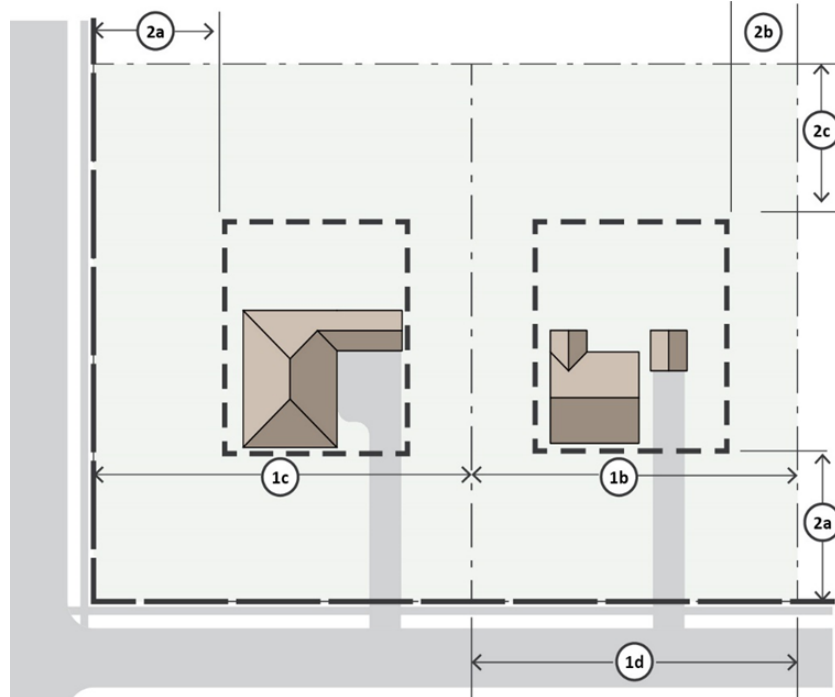
Sec. 3.2.1. ER Estate-Rural Residential District

A. Purpose & Intent

The ER District is intended to provide for larger residential lots that are at least one (1) acre in size, and/or rural lots that have low impact development on the environment. This mixture is intended to allow residential development in areas adjacent to developed infrastructure. This district should be used to provide unique rural housing options in areas with mature vegetation, topography, drainage and wildlife. Conservation subdivision type development on smaller lot sizes in exchange for preserving common open space may be permitted in this district (see also Sec. 8.4.7.B. Conservation Area). See CHAPTER 5. USE REGULATIONS for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	1 acre (43,560 sf)
1b. Lot width at building line – standard	125'
1c. Lot width at building line – corner	150'
1d. Lot frontage	50'
2. Minimum Building Setbacks	
2a. Front - local street / other street type	All streets: 60'
2b. Side, primary structure	30'
2c. Rear, primary structure	50'
3. Maximum Building Height	
3. Primary structure	35' or 3.5 stories, whichever is greater
4. Building Floor Area	
4a. Living unit area, 1-story (min)	2,000 sf
4b. Living unit area, 2-story (min)	2,200 sf
5. Other	
5a. Does not require municipal water or sewer hookup	
5b. Impervious area of lot (max)	35%
5c. Alternative standards	Sec. 8.4.7. Conservation Development
5d. Accessory structures	Article 6.2. Accessory Structure Standards
5e. Total structures per lot	Sec. 6.8.1.G. Structures Per Lot



(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019)

Effective on: 8/19/2019

Sec. 3.2.2. R1 Residential District

A. District Intent

The R1 District is intended to provide for single-family detached homes in a low-density range of 1.0 to 1.5 dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	20,000 sf
1b. Lot width at building line – standard	125'
1c. Lot width at building line – corner	150'
1d. Lot frontage	50'
2. Minimum Building Setbacks	
2a. Front - local street / other street type	30' / 45'
I. If a lot is located in a recorded subdivision, the required setback stated on the recorded secondary plat shall apply. II. In the absence of a setback on a recorded plat or if the lot is not in a recorded subdivision, the greatest of the following options apply: the average of the setbacks established by the nearest primary buildings on either side of the proposed structure on the subject site OR the setback listed in this table.	
2b. Side, primary structure	20'
2c. Rear, primary structure	40'
3. Maximum Building Height	
3. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,800 sf
4b. Living unit area, 2-story (min)	2,000 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)*	35%*
5c. Alternative standards	Sec. 8.4.7. Conservation Development
5d. Accessory structures	Article 6.2. Accessory Structure Standards
5e. Total structures per lot	Sec. 6.8.1.G. Structures Per Lot
* If the lot abuts Geist Reservoir, then the maximum impervious area may be up to 50%.	

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

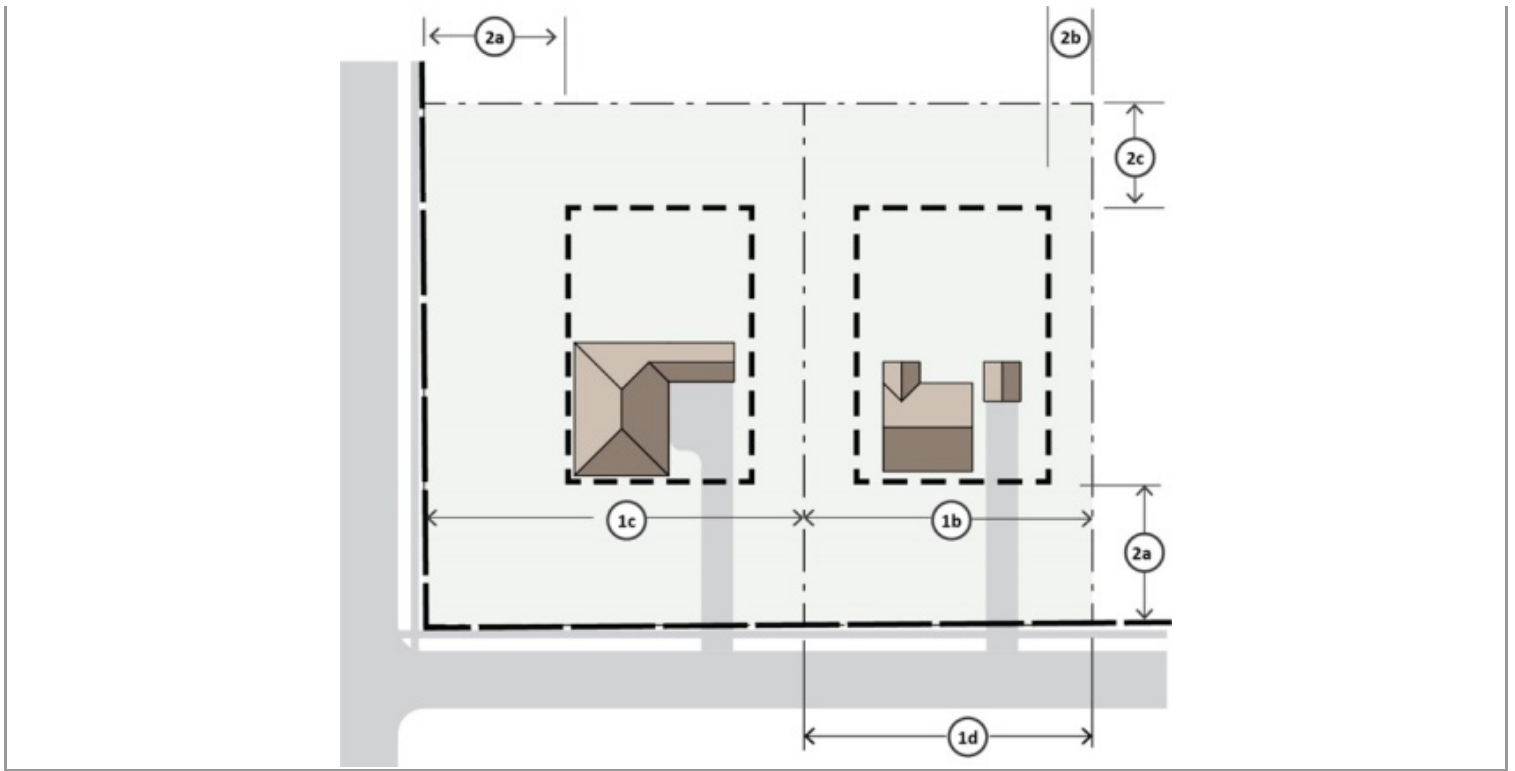
Sec. 3.2.3. R2 Residential District

A. District Intent

The R2 District is intended to be provide for single-family homes in a lower density range of approximately 1.0 to 1.7 dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	15,000 sf
1b. Lot width at building line – standard	100'
1c. Lot width at building line – corner	120'
1d. Lot frontage	50'
2. Minimum Building Setbacks	
2a. Front - local street / other street type	25' / 40'
I. If a lot is located in a recorded subdivision, the required setback stated on the recorded secondary plat shall apply. II. In the absence of a setback on a recorded plat or if the lot is not in a recorded subdivision, the greatest of the following options apply: the average of the setbacks established by the nearest primary buildings on either side of the proposed structure on the subject site OR the setback listed in this table.	
2b. Side, primary structure / Dwelling with attached side-load or rear-load garage	15' / 10'
2b. Side, Aggregate	30'
2c. Rear, primary structure	40'
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,600 sf
4b. Living unit area, 2-story (min)	1,800 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)*	35%*
5c. Alternative standards	Sec. 8.4.7. Conservation Development
5d. Accessory structures	Article 6.2. Accessory Structure Standards
5e. Total structures per lot	Sec. 6.8.1.G. Structures Per Lot
* If the lot abuts Geist Reservoir, then the maximum impervious area may be up to 50%.	



(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [011822](#), 02/21/2022; Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 3.2.4. R3 Residential District

A. District Intent

The R3 District is intended to provide for single family detached homes in a medium density range of approximately 1.0 to 2.0 dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	12,000 sf
1b. Lot width at building line – standard	90'
1c. Lot width at building line – corner	108'
1d. Lot frontage	50'
2. Minimum Building Setbacks	
2a. Front - local street / other street type	25' / 40'
I. If a lot is located in a recorded subdivision, the required setback stated on the recorded secondary plat shall apply. II. In the absence of a setback on a recorded plat or if the lot is not in a recorded subdivision, the greatest of the following options apply: the average of the setbacks established by the nearest primary buildings on either side of the proposed structure on the subject site OR the setback listed in this table.	
2b. Side, primary structure / Dwelling with attached side-load or rear-load garage	10' / 5'
2b. Side, Aggregate	20'
2c. Rear, primary structure	30'
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,250 sf
4b. Living unit area, 2-story (min)	1,400 sf

5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)*	40%*
5c. Alternative standards	Sec. 8.4.7. Conservation Development
5d. Total structures per lot	Sec. 6.8.1.G. Structures Per Lot
* If the lot abuts Geist Reservoir, then the maximum impervious area may be up to 50%.	

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [011822](#), 02/21/2022; Ord. [022425F](#), 04/21/2025)
Effective on: 4/21/2025

Sec. 3.2.5. R4 Residential District

A. District Intent

The R4 District is intended to provide for the development of single-family homes in a higher density range of approximately 1.0 to 2.5 dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	10,000 sf
1b. Lot width at building line – standard	80'
1c. Lot width at building line – corner	96'
1d. Lot frontage	50'
2. Minimum Building Setbacks	
2a. Front - local street / other street type	25' / 40'
I. If a lot is located in a recorded subdivision, the required setback stated on the recorded secondary plat shall apply. II. In the absence of a setback on a recorded plat or if the lot is not in a recorded subdivision, the greatest of the following options apply: the average of the setbacks established by the nearest primary buildings on either side of the proposed structure on the subject site OR the setback listed in this table.	
2b. Side, primary structure	10'
2c. Rear, primary structure	25'

3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,100 sf
4b. Living unit area, 2-story (min)	1,350 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)*	40%*
5c. Alternative standards	Sec. 8.4.7. Conservation Development
5d. Total structures per lot	Sec. 6.8.1.G. Structures Per Lot
* If the lot abuts Geist Reservoir, then the maximum impervious area may be up to 50%.	

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 3.2.6. R5 Residential District

A. District Intent

The R5 District is intended to provide for the development of single-family in a density range of approximately 1.0 to 3.0 dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	7,500 sf
1b. Lot width at building line – standard	70'
1c. Lot width at building line – corner	84'
1d. Lot frontage	50'
2. Minimum Building Setbacks	
2a. Front - local street / other street type	25' / 40'
I. If a lot is located in a recorded subdivision, the required setback stated on the recorded secondary plat shall apply.	

II. In the absence of a setback on a recorded plat or if the lot is not in a recorded subdivision, the greatest of the following options apply: the average of the setbacks established by the nearest primary buildings on either side of the proposed structure on the subject site OR the setback listed in this table.	
2b. Side	10'
2c. Rear	25'
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,000 sf
4b. Living unit area, 2-story (min)	1,200 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	50%
5c. Alternative standards	Sec. 8.4.7. Conservation Development
5d. Total structures per lot	Sec. 6.8.1.G. Structures Per Lot

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [061724](#), 09/09/2024)

Effective on: 9/9/2024

Sec. 3.2.7. MP Manufactured Home Park District

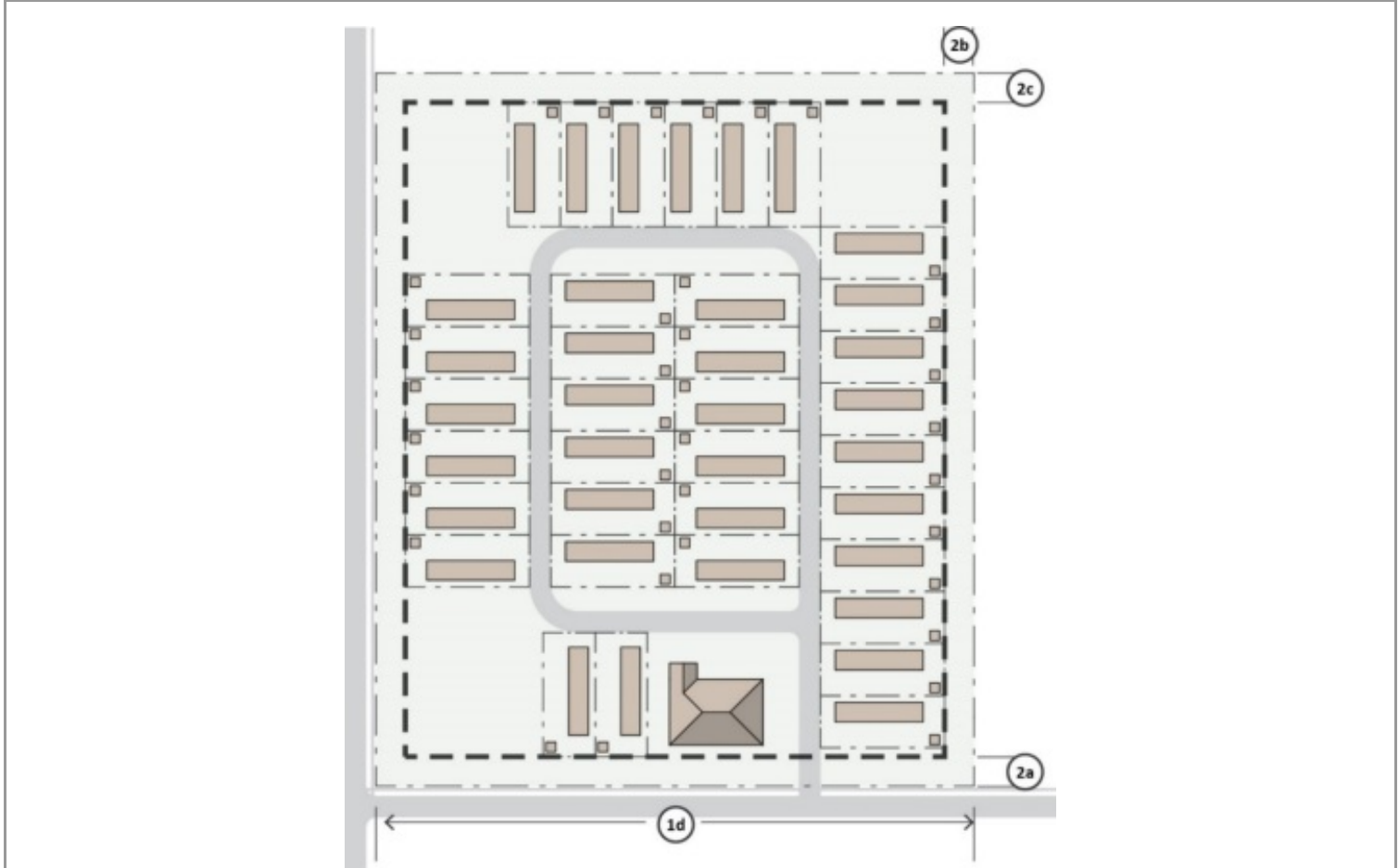
A. District Intent

The MP District is intended to provide a land use category for housing districts (typically mobile or manufactured home) where dwelling sites are leased. Manufactured home or mobile home parks shall be in accordance with State Law and their subsequent amendments. Additionally, all developments in this zoning district are subject to State Board of Health requirements and the requirements of the UDO. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	n/a

1b. Lot width at building line – standard	n/a
1c. Lot width at building line – corner	n/a
1d. Project Lot frontage	200'
1e. Dwelling site size	4,000 sf
1f. Dwelling site depth	200'
2. Minimum Building Setbacks	
2a. Front - local street / other street type	All streets: 30'
2b. Side*	30'
2c. Rear*	30'
<i>*Note: additional Buffer Yard requirements may apply</i>	
2e. Front, dwelling site	15' from edge of pavement of interior roads
2f. Side, dwelling site, primary structure	7'
2g. Side, dwelling site, accessory structure	3'
2h. Rear, dwelling site, primary structure	10'
2i. Rear, dwelling site, accessory structure	5'
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area (min)	750 sf per primary structure on a dwelling site
5. Other	
5a. Requires municipal water or sewer hookup	
5b. Impervious area of lot (max)	80%



(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 3.2.8. M1 Multi-Family Residential

A. District Intent

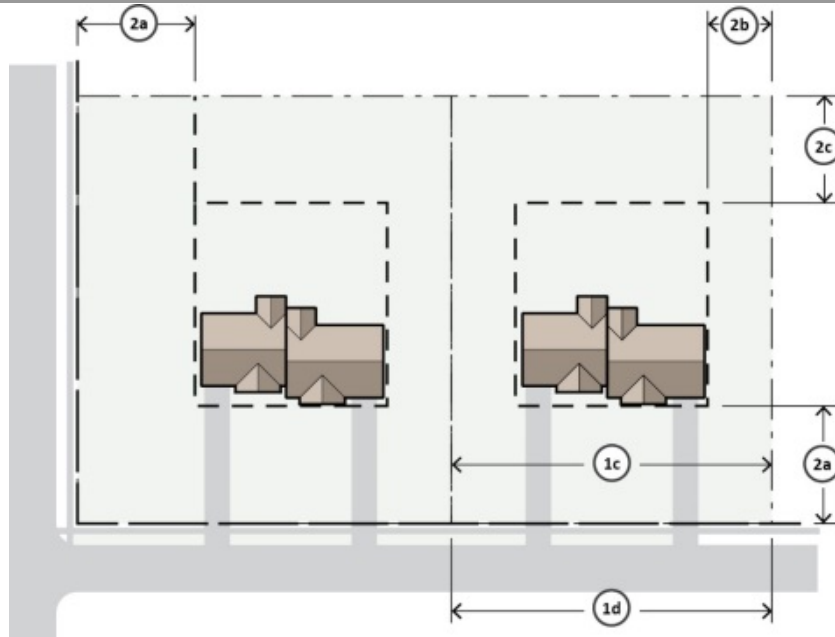
The M1 District is intended to provide for and encourage the development of detached single-family cluster homes or attached multi-family homes in a density range of approximately 1.0 to 5.0 dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	Attached House	Townhouse / Apartment Building
1a. Lot area – one-bedroom / two-bedroom / three-bedroom	1,500 sf (all)	6,500 / 7,500 / 8,500 sf/unit ¹
1b. Lot width at building line	20'	n/a ¹
1c. Lot width at building line – corner	25'	
1d. Lot frontage	20'	150' ¹
2. Minimum Building Setbacks		
2a. Front - local street / other street type	15' / 30'	25' / 40' ¹
2a. Front, Internal	18'	
2b. Side ²	0'	30' ¹
2c. Rear	18'	50' ¹
2d. Building separation (min)	20'	
3. Maximum Building Height		
3. Primary structure	35'	
4. Building Floor Area		
4a. Living unit area, one-bedroom (min)	950 sf	
4b. Living unit area, two-bedroom (min)	1,200 sf	
4c. Living unit area, three-bedroom (min)	1,400 sf	
4d. Maximum number of attached dwelling units	4	
5. Other		
5a. Requires municipal water and sewer hookup		
5b. Impervious area of lot and project site (max)	65%	
5c. Alternative standards	Sec. 8.4.7. Conservation Development	

Notes:

- Refers to site, rather than individual lots for individual units
- Additional buffer yard requirements may apply



Sec. 3.2.9. M2 Multi-Family Residential**A. District Intent**

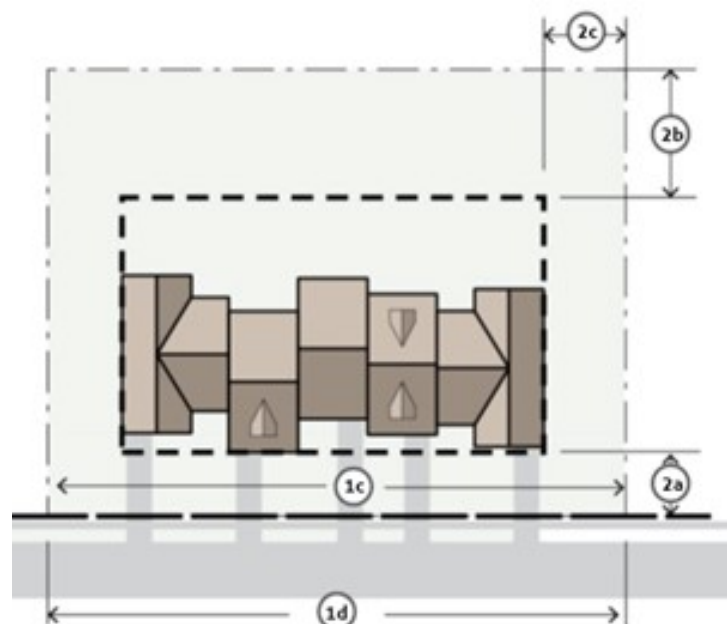
The M2 District is intended to provide for and encourage the development of attached multi-family homes in a moderate density range of approximately 1.0 to 8.0 dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area – 1-bedroom / 2-bedroom / 3-bedroom	4,500 / 5,500 / 6,500 sf./unit ¹
1b. Lot width at building line – standard	n/a
1c. Lot width at building line – corner	n/a
1d. Lot frontage – on public street with access from	150' ¹
2. Minimum Building Setbacks	
2a. Front - local street / other street type	25' / 40'
2b. Front – Internal	25'
2c. Side ²	50'
2d. Rear ²	50'
2e. Building separation (min)	30'
3. Maximum Building Height	
3.a Primary structure	35'
4. Building Floor Area	
4a. Living unit area (min) – 1-bedroom / 2-bedroom / 3-bedroom	850 / 1,100 / 1,300 sf
5. Other	
5a. Requires municipal water or sewer hookup	
5b. Impervious area of lot (max)	75%

Notes:

1. Refers to site, rather than individual lots for individual units
2. Additional buffer yard requirements may apply



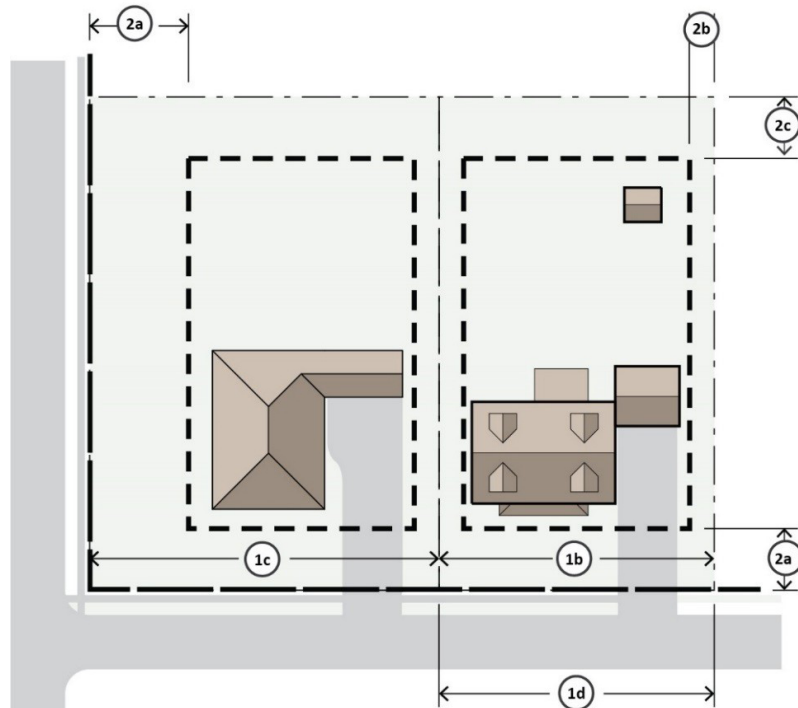
Sec. 3.2.10. TCR Town Center Residential District

A. District Intent

The TCR District is established to provide a land use category for residential areas in the Town Center. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	n/a
1b. Lot width at building line – standard	n/a
1c. Lot width at building line – corner	n/a
1d. Lot frontage	n/a
2. Minimum Building Setbacks	
2a. Front - local street / other street type	15', or the average of existing setbacks for infill lots
2b. Side, primary structure / Two-family dwellings	5' / zero
2c. Aggregate side setback	10'
2d. Rear, primary structure	20'
3. Maximum Building Height	
3a. Primary structure	25'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	n/a
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	80%
5d. Accessory structures	Article 6.2. Accessory Structure Standards



Article 3.3. Nonresidential Districts

Contents:

- Sec. 3.3.1. C1 Commercial District
- Sec. 3.3.2. C2 Neighborhood Business District
- Sec. 3.3.3. C3 Commercial District
- Sec. 3.3.4. EN Employment Node District
- Sec. 3.3.5. I1 Industrial District
- Sec. 3.3.6. C-Low Commercial Low Impact District

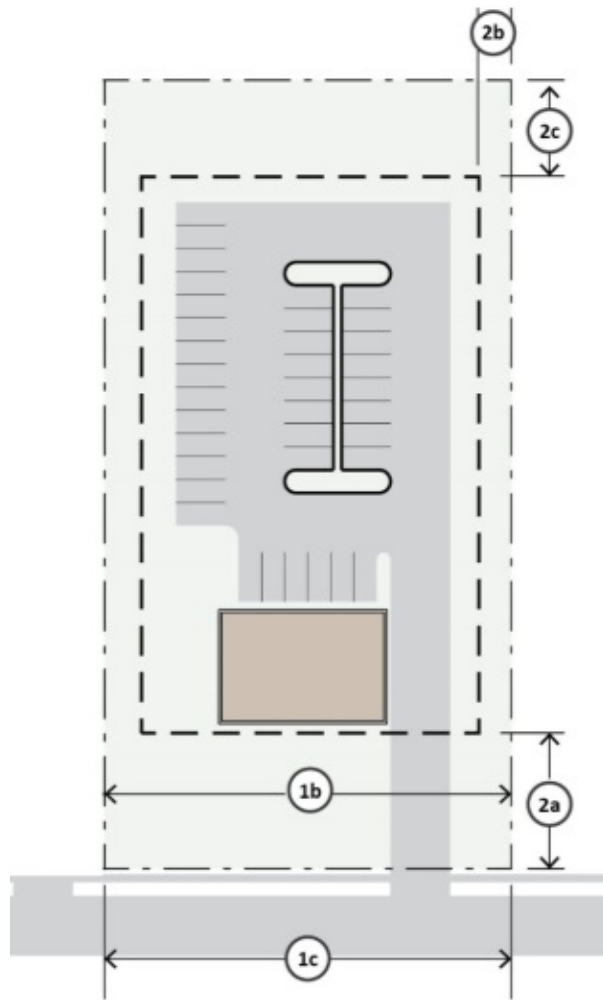
Sec. 3.3.1. C1 Commercial District

A. District Intent

The C1 District is established to provide for the development of professional and office type businesses which may serve as buffer areas between residential and more intense commercial districts. It is intended that the C1 District will result in the development of office buildings arranged in a park type environment, with structures that would be compatible with neighboring residential uses. See CHAPTER 5. USE REGULATIONS for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	n/a
1b. Lot width	n/a
1c. Lot frontage	100'
2. Minimum Building Setbacks	
2a. Front ¹	50'
2b. Side ¹ / aggregate	10'
2c. Rear ¹	20'
2d. Internal	Zero
3. Maximum Building Height	
3a. Primary Structure	35' / 3 stories
4. Building Floor Area	
4a. Main floor area (min)	n/a
4b. Floor area per unit (min)	n/a
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	75%
Notes:	
1. Additional buffer yard requirements may apply	



(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 3.3.2. C2 Neighborhood Business District

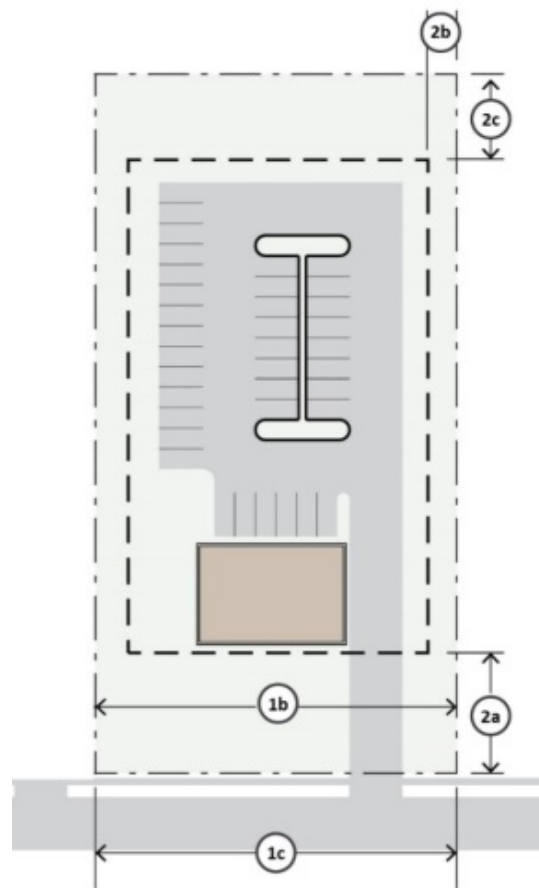
A. District Intent

The C2 District is established to provide for the development of commercial and frequently used businesses associated with the shopping, service and family needs of adjacent or local residential areas. The C2 District is intended to provide for the establishment of smaller shops or stores serving a localized area rather than larger businesses serving regional areas. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	1 acre (43,560 sf)
1b. Project area	n/a
1c. Lot width	n/a
1d. Lot frontage	150'
2. Minimum Building Setbacks	
2a. Front ¹	50'
2b. Side ¹ / aggregate	10'
2c. Rear ¹	20'

2d. Internal	Zero
3. Maximum Building Height	
3a. Primary Structure	35' / 2 stories
3b. Freestanding structure	25' / 1 story
4. Building Floor Area	
4a. Gross Floor Area (min)	n/a
4b. Floor area ratio (max for site)	0.2
4c. Floor area (max per building / site)	55,000 sf / 90,000 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	75%
Notes:	
1. Additional <u>buffer yard</u> requirements may apply	



(Ord. [071618F](#), 07/19/2018; Ord. [011822](#), 02/21/2022)

Effective on: 7/20/2018

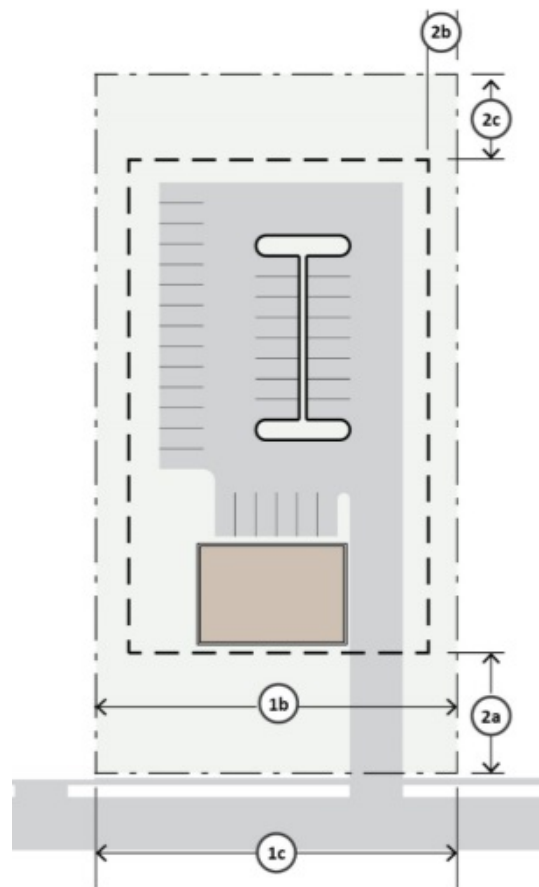
Sec. 3.3.3. C3 Commercial District

A. District Intent

The C3 District is established to provide for the development of a broad spectrum of commercial and business uses. These uses are expected to serve the regional area commercial, business, and service needs. Consequently, the C3 District is expected to cause more traffic demands, and is, therefore, to be located or situated only along or adjacent to thoroughfares, major thoroughfares or expressways at interchanges with thoroughfares. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions		
1a. Lot area		n/a
1b. Lot width		n/a
1c. Lot frontage		200'
2. Minimum Building Setbacks		
2a. Front ¹		50'
2b. Side ¹ / aggregate		15' / 30'
2c. Rear		30'
2d. Internal		Zero
3. Maximum Building Height		
3a. Primary Structure		65'
3b. Adjacent to residential zones or uses		35'
4. Building Floor Area		
4a. Main Floor Area (min)		n/a
5. Other		
5a. Requires municipal water and sewer hookup		
5b. Impervious area of lot (max)		75%
Notes:		
1. Additional buffer yard requirements may apply		



(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 3.3.4. EN Employment Node District

A. District Intent

1. The EN District is provided for the development of large office buildings providing regional employment opportunities integrated with a mix of uses, open space and trail connectivity. This District will provide premier office space and employment centers whose viability, quality, and character are important to the community, adjacent residents, employees, business owners, and taxing districts.
2. The purpose of this District is to promote sustainable economic development in this area that will serve as an economic driver for the City, providing additional business tax base and employment opportunities for residents in and around the City.
3. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Lot / Site Dimensions	
1a. Lot area (min)	n/a
1b. Lot width (min)	n/a
2. Building Setbacks and Build-to Area (BTA)	
2a. Front, BTA (min / max)	15' / 30'
2b. Side interior lot line (min) ¹	0 or 15'
2c. Side street BTA (min / max)	10' / 30'
2d. Rear ¹	20'
2e. Building width within the front build-to area (min)	50%
2f. Building width within the side build-to area (min)	25%
3. Parking Setbacks	
3a. Front (min)	20'
3b. Side lot line (min)	0'
3c. Side street (min)	10'
3d. Rear lot line (min)	5'
4. Height	
4a. Along I-69 (min)	38' and 3 occupiable floors
4b. Along other streets (max)	30' and 2 occupiable floors
4c. Adjacent to residential zones (max)	30'
5. Floor Area	
4a. All primary buildings, finished floor area (FFA) (min)	15,000 sf
4b. First floor FFA, second floor FFA along I-69 (max)	40%, 35%
4c. First floor FFA along other streets (max)	60%
6. Other	
5a. Impervious area of lot (max)	75%
Notes	
1. Additional buffer yard requirements may apply	

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 3.3.5. I1 Industrial District

A. District Intent

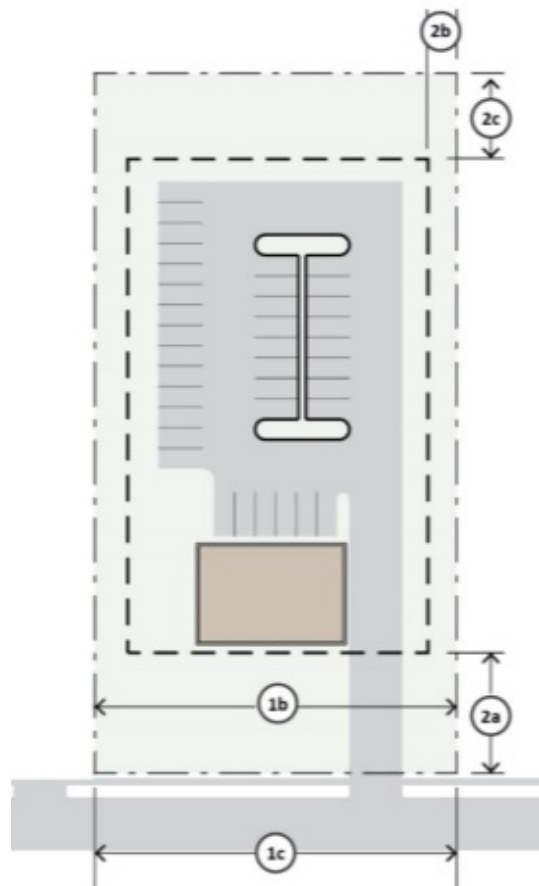
The I1 District is established for the development of light industrial uses which are totally enclosed within a building or structure. This district shall be located adjacent to the C3 District. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Lot / Site Dimensions	
1a. Lot area (min)	n/a
1b. Lot width (min)	n/a
1c. Lot frontage (min)	150'
2. Building Setbacks	
2a. Front	100'
2b. Side interior lot line (min) ¹	0'
Side street (min) ¹	15'
2c. Rear ¹	50'
3. Parking Setbacks	
3a. Front (min)	10'
3b. Side lot line (min)	0'
3c. Side street (min)	10'
3d. Rear lot line (min)	5'
4. Height	
4a. Primary Structure (max)	42' / 3 stories
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	75%

Notes

1. Additional buffer yard requirements may apply



(Ord. [071618F](#), 07/19/2018; Ord. [121922E](#), 01/17/2023)

Effective on: 1/17/2023

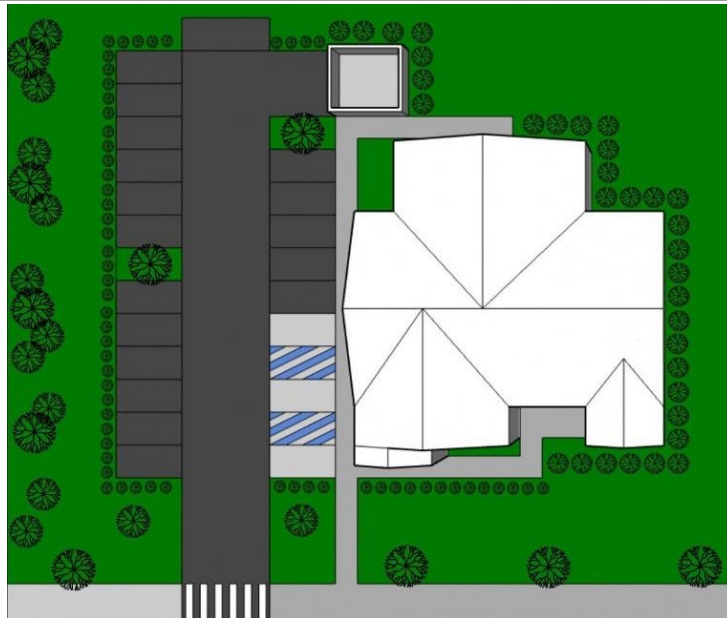
Sec. 3.3.6. C-Low Commercial Low Impact District

A. District Intent

The C-Low Commercial Low Impact District is established to provide for the development of previous residentially zoned parcels adjacent to major thoroughfares within the City to provide for the redevelopment of professional and office types of businesses which may serve buffer areas between residential and the thoroughfare or more intense commercial districts. It is intended that the C-Low District will result in the development of low impact commercial buildings to be residential in nature and will be compatible with neighboring residential uses. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the district (limited to office, medical office, beauty/hair salon, day spa, nail salon).

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	n/a
1b. Lot width	n/a
1c. Lot frontage	100'
2. Minimum Building Setbacks	
2a. Front ¹	40'
2b. Side ¹ / aggregate	10'
2c. Rear ¹	20'
2d. Internal	Zero
3. Maximum Building Height	
3a. Primary Structure	35' / 1 story
4. Building Floor Area	
4a. Main floor area (max)	4,500 square feet
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	60%
Notes:	
1. An Infill Buffer Yard is required outlined in Section 6.7.4. Buffer Yards.	
2. Existing trees shall be saved to the greatest extent possible.	



C. Architectural Design Standards

UDO [Sec. 6.3.4. Residential Design](#), shall apply, except as modified below:

1. The Illustrative Character Exhibit is hereby incorporated to conceptually illustrate the elements and anticipated character and to establish a benchmark for the architecture and design of the Real Estate's buildings. The final design may vary from the Illustrative Character Exhibit; however, buildings shall be substantially similar in quality and character to the buildings shown in the Illustrative Character Exhibit.

F. Parking

1. The location of parking shall be prohibited in front of the building.
2. The number of parking spaces shall be a maximum of 1 parking space per 200 square feet.

G. Lighting

1. All lighting fixtures shall be full-cut off, with a zero-foot candle lighting level at the property line.
2. All lighting poles are limited to 15 feet tall.
3. Lighting in parking areas shall be designed and maintained to be dimmed between the hours of 8:30 p.m. and 6:30 a.m.

H. Signage

1. One (1) freestanding sign is permitted. Freestanding signage shall be a maximum of 6' tall, with a maximum of 32 square foot sign face.
2. One (1) building sign is permitted. Building signage shall be a maximum of 32 square feet.
3. All building and freestanding signage shall be either (i) reverse channel letters; or (ii) externally lit, full cutoff light fixtures.

I. Hours of Operation & Service Hours

1. Hours of operation shall be limited to 7am to 8pm.
2. Service Hours: Trash removal, compaction, service vehicle, deliveries, parking lot sweepers, etc. shall not be permitted between the hours of 9pm and 6am with the exception of snow removal.

J. Illustrative Character



Primary Elevation



Primary Elevation



Side Elevation



Side Elevation



Rear Elevation



Rear Elevation



Side Elevation



Side Elevation

(Ord. [061724](#), 09/09/2024; Ord. [022425F](#), 04/21/2025; Ord. [100625A](#), 11/17/2025)

Effective on: 11/17/2025

Article 3.4. Other Districts

Contents:

Sec. 3.4.1. AG Agriculture District

Sec. 3.4.2. MA Municipal Airport District

Sec. 3.4.3. NPD Nickel Plate District

Sec. 3.4.4. OS Open Space District

Sec. 3.4.5. PUD Planned Unit Development District

Sec. 3.4.1. AG Agriculture District

A. District Intent

The intent of the AG District is to conserve agricultural land and undeveloped natural amenities while preventing the encroachment of incompatible land uses on farm land and other undeveloped areas. The types, area and intensity of land uses in an AG District are designed to encourage and protect agricultural uses and for the conservation of undeveloped areas. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Lot / Site Dimensions	
1a. Lot area / site area (min)	10 acres (435,600 sf)
1b. Lot width (min)	150'
1c. Lot frontage (min)	50'

2. Building Setbacks	
2a. Front (min)	60'
2b. Side (min)	50'
2c. Rear	100'
3. Height	
3a. Primary Structure (max)	35' / 2.5 stories
3b. Accessory structures (max)	22' (agriculture-related accessory structures are exempt)
4. Other	
4a Does not require municipal water and sewer hookup	
4b. Impervious area of lot (max)	15%

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 3.4.2. MA Municipal Airport District

A. Intent

The MA District is designed to provide land for the operation of public [airports](#). Such airports shall be operated in compliance with all applicable safety and operational standards and regulations of the Federal Aviation Administration and other aviation regulatory authorities. Said airports shall be deemed in compliance with the requirements of the UDO as applied to navigation and flight operational uses. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Lot / Site Dimensions	
1a. Lot area / site area (min)	n/a
1b. Lot width (min)	n/a
1c. Lot frontage (min)	n/a
2. Building Setbacks	
2a. Front (min) ¹	50'
2b. Side interior lot line (min) ¹	0'
Side street (min) ¹	25'
2c. Rear (min) ¹	25'
3. Height	
3a. Primary Structure (max)	Per FFA restrictions
4. Other	
4a Requires municipal water and sewer hookup	
4b. Impervious area of lot (max)	85%
Notes	
1. Additional buffer yard requirements may apply	

(Ord. [071618F](#), 07/19/2018; Ord. [041921B](#), 06/21/2021)

Effective on: 6/21/2021

Sec. 3.4.3. NPD Nickel Plate District

The following zoning categories are regulated by an independent regulator document entitled [City of Fishers Nickel Plate District Code](#):

A. Downtown Core (DC)

- B. Highway Center (HC)
- C. Municipal Center (MC)
- D. Village Center (VC)
- E. Technology Center (TC)

In the event of any conflict between any provision of the NPD Code and any other provision of the UDO, the NPD Code shall provide the ultimate control within the NPD District. In the event the NPD Code is silent as to fees, permits, sign regulations, or any other similar provision relating to development standards, the applicable provision of the UDO shall control.

(Ord. [071618F](#), 07/19/2018; Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 3.4.4. OS Open Space District

A. Intent

The OS District is intended to provide for permanent open space areas that will be preserved as undeveloped or open land and developed land for use as parks, playgrounds, recreational areas, buffer zones between commercial or industrial uses and adjacent residential districts. The open space may be developed into single or multipurpose use areas, and these uses may be managed or operated by the City, County, school systems, parks board, or others. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Lot / Site Dimensions	
1a. Lot area / site area (min)	n/a
1b. Lot width (min)	n/a
1c. Lot frontage (min)	None; except if more than one curb cut entrance/exit is required, the site shall have at least 200' of frontage
2. Building Setbacks	
2a. Front (min)	100'
2b. Side interior lot line (min)	100'
2c. Rear	100'
3. Height	
3a. Primary Structure (max)	35'
3b. Accessory structures (max)	18'
4. Other	
4a. Requires municipal water and sewer hookup	
4b. More than one primary structure shall be permitted on one tract of land.	
4c. Impervious area of lot (max)	30%

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 3.4.5. PUD Planned Unit Development District

A. Intent

The intent of the PUD District is to provide a relief mechanism from the prescriptive standards of a general use zoning district. The PUD District is intended to be used to achieve a higher quality of project design than could be accomplished through the strict application of a general use district or set of general use districts, without adversely impacting the adequate facilities required to serve the property and surrounding area. A PUD District is established through Council approval with a specific PUD District Ordinance establishing the development standards and use standards for each PUD District (see [Sec. 10.2.16. Planned Unit Development](#)). A PUD can be one of the following categories:

1. **PUD-C:** Planned Unit Development - Commercial, which shall have a commercial or nonresidential base zoning district.
2. **PUD-M:** Planned Unit Development - Mixed Use, which shall have any combination of any residential or nonresidential base zoning district.
3. **PUD-R:** Planned Unit Development - Residential, which shall have a residential base zoning district.

B. Prerequisite Base Zoning

The prerequisite base zoning shall be as indicated in the PUD District Ordinance. If a parent tract has multiple zoning districts, each of those zoning districts must be on the prerequisite listing.

C. Development Requirements

A PUD District shall comply with the provision of the UDO. In addition, a proposed PUD District should include concepts and development and design standards that generally offer the following advantages over a standard zoning district:

1. Address the policies included in the Comprehensive Plan specific to the neighborhood to encourage consistency with the community's vision as presented in the Comprehensive Plan.
2. Use design to provide compatibility between areas of different land uses and development intensities within the PUD District.
3. Buffer different types of land uses and development intensities outside of the PUD District from those within the PUD District to increase compatibility or minimize any adverse impact which new development may have on existing or zoned development.
4. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces and provide enhanced Salutogenic amenities and open space.
5. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area.
6. Promote architecture that complements the surroundings.
7. Counteract urban monotony and congestion on streets.

(Ord. [071618F](#), 07/19/2018; Ord. [022425F](#), 04/21/2025; Ord. [031626C](#), 04/20/2026)

Effective on: 4/20/2026

CHAPTER 4. OVERLAY ZONING DISTRICTS

Contents:

Article 4.1. General Provisions

Article 4.2. Overlay Districts

Article 4.1. General Provisions

Contents:

Sec. 4.1.1. Overlay District Intent Statements

Sec. 4.1.1. Overlay District Intent Statements

A. General Purpose

The intent of the Overlay Districts is to apply regulations that achieve a specific purpose in a target area. The Overlay Districts provide additional or different standards that are applied to the underlying Zoning District. For this UDO, the following Overlay Districts have been established:

1. Commercial Use Limit Overlay District - CUL-OL
2. Greenway Overlay District - GR-OL
3. Interstate 69 Overlay District - I69-OL
4. Jurisdictional Area Overlay District - JURIS-OL

B. Boundaries

The boundaries shown for each Overlay District listed above shall be shown on the Official Zoning Map.

C. Applicability

1. A lot covered by an Overlay District shall be subject to both underlying Zoning District and the Overlay District standards found in this Chapter.
2. If a use is prohibited in either an applicable Overlay District or the underlying zoning district, then the use is prohibited, even though one (1) of the districts allows the use.
3. In the event of a conflict with the underlying zoning district, the overlay standards shall apply.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Article 4.2. Overlay Districts

Contents:

Sec. 4.2.1. GW-OL Greenway Overlay District

Sec. 4.2.2. I69-OL Interstate-69 Overlay District

Sec. 4.2.3. JURIS-OL Jurisdictional Area Overlay District

Sec. 4.2.4. NPT-OL Nickel Plate Trail Overlay

Sec. 4.2.5 Commercial Low Impact Overlay District (CLOW-OL)

Sec. 4.2.1. GW-OL Greenway Overlay District

A. Purpose & Intent

It is the purpose and intent of the Greenway Overlay District (GW-OL) to promote the public health, safety, comfort, convenience, and general welfare by providing increased pedestrian connectivity to surrounding greenspaces, parks, neighborhoods, and bicycle and pedestrian networks.

B. Applicability

The provisions of the GW-OL District shall apply to all properties lying wholly or partially within the District as shown on the Official Zoning Map.

C. Base Standards Apply

Unless specifically set forth in this Section, allowed uses, dimensional requirements, height limits and general development standards of the underlying zoning district apply.

D. Ground Cover

1. Whenever a land-disturbing activity occurs, the person undertaking the activity shall install such ground cover, devices or structures sufficient to restrain erosion and retain sediment within the boundaries of the tract always.
2. Any portion of a site upon which further land-disturbing activity is not being undertaken shall be provided with ground cover sufficient to restrain erosion within 14 calendar days of temporarily or permanently suspending the land disturbing activity. Permanent ground cover shall be installed within 14 calendar days following completion of construction or development.

E. Connectivity

All new subdivisions within the GW-OL District shall integrate a shared-use trail system connecting to a greenway identified on the [Thoroughfare Plan](#), as amended, or otherwise as approved by the Director.

F. Shared-Use Path/Greenway

1. A multi-use path shall be installed in accordance with the [Thoroughfare Plan](#).
2. Where sidewalks, paths, or other pedestrian ways meet streets, ADA-compliant ramps shall be installed.
3. Pedestrian access shall consist of an accessible, easily-discernible and ADA compliant walkway or multi-use path.
4. The pedestrian access surface shall be constructed of concrete, asphalt or other fixed, firm and nonslip material as approved by the Director of Engineering. Permeable compressible materials that are ADA accessible may also be considered.
5. The minimum width of multi-use paths shall be in accordance with the [Thoroughfare Plan](#).

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 4.2.2. I69-OL Interstate-69 Overlay District

A. Intent

It is the purpose and intent of the Interstate-69 Overlay District (I69-OL) is to limit certain uses that could negatively impact the aesthetics image and economic opportunities for properties that have limited access along the I69 corridor.

B. Applicability

The provisions of the I69-OL District apply to all properties lying wholly or partially within the District as shown on the Official Zoning Map.

C. Boundaries

The boundaries of the I69-OL District are hereby established for the entire length of Interstate-69 within the City, and land area on either side of the right-of-way for Interstate-69 in the City.

D. Development and Design Standards

1. No clearing or other disturbance of land shall occur and no building, structure, or use shall be established except in compliance with the provisions of this Ordinance.
2. **Interstate Corridor Buffer.** Properties within the I69-OL District shall install a minimum of one (1) canopy deciduous or evergreen tree per 60 feet of property that is contiguous to the I-69. If the abutting property has less than 60 feet of contiguous frontage on I-69, then a minimum of one (1) tree shall be planted. Trees shall be planted within 15 feet of the property line that abuts the I-69 right-of-way.
3. **Building Orientation.** All structures shall give the appearance of four-sided architecture.
4. **Flex Use.** Commercial uses with a street level designated as a storefront available for flex use as a retail store or office. All floors are available for flex use as office or retail. Parking is provided in rear or in a parking garage.
5. **Large Scale Commercial.** A commercial type in the form of large individual buildings designated as available for a retail store. Parking is generally provided in front of buildings in surface lots.
6. **Overnight Lodging.** Hospitality uses in the form of one (1) or more multi-story buildings designated as available for lodging with limited ground floor flex use as retail. Parking is generally provided in surface lot or common parking garage.
7. **Trash Collection.** Trash collection and recycling areas shall not be visible from the interstate and shall be screened in accordance with [Article 6.2. Accessory Structure Standards](#).
8. **Excluded Uses.** The following uses shall be prohibited from the underlying zoning districts within the I69-OL District:
 - a. Institutional Uses exempt from paying Indiana property taxes and associated accessory structures, unless the Institutional Uses occupy less than 25% of a site with over 100,000 square feet of floorspace.
 - b. Commercial Signs.
9. **Legally Non-Conforming.** If a use is legally established on a parcel or portion of a parcel at the time the I69-OL District is enacted, but is no longer permitted according to this Section, it shall be considered legally non-conforming. A parcel containing a legally nonconforming use may be developed, maintained, or reconstructed in furtherance of the existing legal non-conforming use (a) established on that parcel and (b) by the owner of the parcel at the time the legally non-conforming use is established. All uses which are permitted in the underlying zoning district(s), except those uses expressly excluded (this Section) shall be permitted in the I69-OL District.

(Ord. [071618F](#), 07/19/2018; Ord. [101121H](#), 11/15/2021; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 4.2.3. JURIS-OL Jurisdictional Area Overlay District

The JURIS-OL applies to public rights-of-way on arterial roads. See [Sec. 5.3.3.D. Micro \(Small Cell\) Towers](#).

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 4.2.4. NPT-OL Nickel Plate Trail Overlay

A. **Purpose & Intent:** The purpose of the Nickel Plate Trail Overlay is to protect and enhance the health, safety and welfare of the citizens of Fishers by promoting health and wellness and future development. For purposes of this overlay district, the NPT shall be defined as any property conveyed to the City of Fishers, by title or easement, for purposes of establishment of the NPT. It is the City's intent to achieve the purpose of this overlay district by:

1. Providing a consistent design treatment for properties along the Nickel Plate Trail;
2. Providing controls for architecture and landscape design that establish continuity of design between projects and the Nickel Plate Trail; and
3. This overlay district is superimposed over the other base zoning districts and its regulations shall supersede those of the base zoning districts over which it is superimposed. In establishing this overlay district, the Plan Commission and City Council relies on IC 36-7-4-1400 et seq. Unless specifically set forth in this Section, allowed uses, dimensional requirements, height limits and general development standards of the underlying zoning district apply.
4. Protecting the Nickel Plate Trail character.

This overlay district is superimposed over the other base zoning districts and its regulations shall supersede those of the base zoning districts over which it is superimposed. In establishing this overlay district, the Plan Commission and City Council relies on [IC 36-7-4-1400 et seq.](#)

Unless specifically set forth in this Section, allowed uses, dimensional requirements, height limits and general development standards of the underlying zoning district apply.

B. **Applicability:** The provisions of the Nickel Plate Trail Overlay shall apply to all properties lying wholly or partially within the District as shown on the Official Zoning Map. Generally, the boundaries are illustrated in Figure A: Nickel Plate Trail Overlay, extending to properties with single-unit living directly adjacent to the Nickel Plate Trail property line. If the provisions in this Nickel Plate Trail Overlay are inconsistent or in conflict with provisions found in other adopted codes and regulations of the City, the more restrictive provision shall control unless otherwise expressly provided.

C. **Access Points:** All access points onto the NPT shall be constructed per the City of Fishers Engineering Design Standards and must receive approval from the Mayor or Mayor's Designee. All access points shall be designed as to not impede drainage ways.

D. **Single-Family Residential Allowances**

1. Single-family residential properties shall be permitted an additional 500 square feet of accessory structure floor area.
2. Single-family residential properties shall be permitted a maximum 50% impervious surface lot coverage.



B. **Fence and Wall Standards:** Fences along property lines abutting the NPT are permitted to be a maximum of six (6) feet tall, with an additional allowance of up to two (2) feet for architectural features for a total height of eight (8) feet tall.



(Ord. [101121G](#), 11/15/2021)

Effective on: 9/9/2024

Sec. 4.2.5 Commercial Low Impact Overlay District (CLOW-OL)

A. Purpose & Intent

The purpose of the Commercial Low Impact Overlay District (CLOW-OL) to promote the public health, safety, comfort, convenience, and general welfare by encouraging improved design in the development of land by promoting the following objectives:

- Provide for the development of diverse neighborhoods;
- Greater flexibility in applying the ordinances to the development of the Real Estate;
- Innovation approach to meet the demands of the market;
- The recognition of the interdependency of various markets; and
- Coordination of architectural styles, [Building](#) forms and relationships, graphics and other private improvements.

This overlay district is superimposed over the other base zoning districts and its regulations shall supersede those of the base zoning districts over which it is superimposed. In establishing this overlay district, the Plan Commission and City Council relies on IC 36-7-4-1400 et seq.

B. Applicability

The provisions of the CLOW-OL shall apply to all properties lying wholly or partially within the District as shown on the [Official Zoning Map](#). If the provisions in this CLOW-OL District are inconsistent or in conflict with provisions found in other adopted codes and regulations of the City, the more restrictive provision shall control unless otherwise expressly provided.

When a property is requested to be rezoned the base zoning district shall be the [Sec. 3.3.6. C-Low Commercial Low Impact District](#).

C. Procedure

The property will still be required to go through the rezone process outlined in [Sec. 10.2.25. Zoning Map Change \(Rezone\)](#), including Council and Commission action, including all state and local public noticing requirements.

(Ord. [061724](#), 09/09/2024)

Effective on: 9/9/2024

CHAPTER 5. USE REGULATIONS

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Article 5.2. Residential Uses

Article 5.3. Public & Institutional Uses

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Article 5.6. Agricultural and Animal Uses
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Article 5.1. Allowed Property Uses & Maintenance Standards

Contents:

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Sec. 5.1.3. Use Determination
Sec. 5.1.4. Key to Use Table
Sec. 5.1.5. Permitted Use Table
Sec. 5.1.6. General Health & Maintenance Standards

Sec. 5.1.1. Classification of Uses

A. Applicability

No building, structure or land shall be used and no building or structure shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a zoning district in which such a building, structure or land is located.

B. Permitted Uses

Permitted uses by district are listed in [Sec. 5.1.5. Permitted Use Table](#). Permitted uses are grouped into categories of uses.

C. Special Exception

Special Exceptions by district are listed in [Sec. 5.1.5. Permitted Use Table](#). See also [Sec. 10.2.19. Special Exception](#).

D. Accessory Uses

Accessory uses are allowed in conjunction with a permitted primary use as set forth in [Article 5.7. Accessory Uses](#).

E. Temporary Uses

Temporary uses, in conjunction with a primary use, are allowed as set forth in [Article 5.8. Temporary Uses](#).

F. Use Standards

Certain use standards are allowed with specific standards as set forth in this Chapter. The use standard is cross-referenced in [Sec. 5.1.5. Permitted Use Table](#).

G. Change of Tenant - Large Scale Tenant Spaces

For any tenant space with a floor area of 25,000 square feet or greater, a change of one tenant to a different tenant with a COMMERCIAL or PUBLIC & INSTITUTIONAL use listed under [Sec. 5.1.5. Permitted Use Table](#), excluding medical or office, shall be required to obtain approval from City Council as set forth in [Sec. 10.2.26. Change of Tenant - Large Scale Tenant Spaces](#).

(Ord. [071618F](#), 07/19/2018; Ord. [062121B](#), 07/19/2021)

Effective on: 7/19/2021

Sec. 5.1.2. Prohibited Uses

Except for uses determinations made pursuant to [Sec. 5.1.3. Use Determination](#), any use not explicitly allowed

as a permitted use by right, accessory use, limited use, Special Exception, or a Temporary Use in the zoning district allowed in [Sec. 5.1.5. Permitted Use Table](#), is prohibited. The enumerations of prohibited uses below are expressly prohibited, but such enumeration shall not be deemed exclusive or all-inclusive. Prohibited uses include:

- A. Any use of prima fascia business, commercial, or industrial character not otherwise specifically allowed in a zoning district ;
- B. Any use prohibited by an applicable Special Exception;
- C. Any use prohibited by an applicable overlay zoning district;
- D. Manufactured home or travel trailer except in the MP Zoning District or allowed in a PUD Zoning District ;
- E. Open dump;
- F. Signs erected in violation of [Article 6.17. Signage Standards](#); and
- G. Storage of unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles except as temporarily allowed in towing yards for vehicles or stored in a garage.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 5.1.3. Use Determination

A. Interpretation by the Director

The Director is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar in character, intensity, and impact to a listed use, the Director may consider the proposed use part of that use category. When determining whether a proposed use is like a listed use, the following criteria will be considered:

1. The actual or projected characteristics of the proposed use;
2. The relative amount of site area or floor area and equipment devoted to the proposed use;
3. Relative amounts of sales;
4. The customer type;
5. The relative number of employees;
6. Hours of operation;
7. Building and site arrangement;
8. Types of vehicles used and their parking requirements;
9. The number of vehicle trips generated;
10. How the proposed use is advertised;
11. The likely impact on surrounding properties; and
12. Whether the activity is likely to be found independent of the other activity on the site.

B. Uses Not Specifically Listed

A use not specifically listed in [Sec. 5.1.5. Permitted Use Table](#) is prohibited, unless the Director determines the use to be part of a use category as described in [Sec. 5.1.3. Use Determination](#).

C. Director Action

Following a determination by the Director, a written record shall be kept by the Department (see also [Sec. 10.2.2. Administrative Determination](#)).

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 5.1.4. Key to Use Table

[Sec. 5.1.5. Permitted Use Table](#) identifies uses permitted in each [zoning district](#). The use table key is set forth below.

A. Permitted Use (P)

Indicates that the use is permitted by right in the District.

B. Special Exception (S and SE)

S - Indicates that it is a permitted use, subject to a review by the Board of Zoning Appeals with conditions and limitations imposed by the Board.

SE - Indicates that it is a permitted use, subject to a review by the Common Council with conditions and limitations imposed by the Common Council.

C. Accessory (A)

Indicates that the use is permitted as an accessory use to an established primary use.

D. Temporary (T)

Indicates that the use is permitted as a temporary use.

E. Use Not Permitted (-)

Indicates that a use is not permitted in that District.

(Ord. [071618F](#), 07/19/2018; Ord. [011822](#), 02/21/2022; Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 5.1.5. Permitted Use Table

5.1.5 Permitted Use Table																			
Use Category Specific Use	Residential									Nonresidential						Other		Definition / Use Standard	
	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS		
RESIDENTIAL USES																			
Household Living, as listed below:																		Sec. 5.2.1.A.	
Single-unit living	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P	-	Sec. 5.2.1.B.	
Two-unit living	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	Sec. 5.2.1.C.	
Multi-unit living	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	Sec. 5.2.1.D.	
Cottage Court (IN PROGRESS)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 5.2.1.E.	
Conservation development	P	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	Sec. 5.2.1.F.	
Compact development (IN PROGRESS)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Manufactured home development	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	Sec. 5.2.1.G	
Group Home Living, as listed below:																		Sec. 5.2.2.A.	
Group home	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	Sec. 5.2.2.B.	
Special Care Facility	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	-	-	Sec. 5.2.2.C.	
Special care facility, as listed below:																		Sec. 5.2.2.C.	
Residential facility for the developmentally disabled	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	Sec. 5.2.2.C.	
Residential facility for the mentally ill	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	Sec. 5.2.2.C.	

Senior Living, as listed below:																		Sec. 5.2.3.A.
Senior Living Community	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	-	-	Sec. 5.2.3.B.
Assisted Living	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	-	-	Sec. 5.2.3.C.
Independent Living	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	-	-	Sec. 5.2.3.D.
Nursing Home	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	-	-	Sec. 5.2.3.E.
PUBLIC & INSTITUTIONAL	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS	
CIVIC, except as listed below:	S	S	S	S	S	S	S	S	-	S	S	S	S	S	-	S	S	Sec. 5.3.1.A. & E.
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	Sec. 5.3.1.A. & B.
Columbarium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	Sec. 5.3.1.A. & C.
Place of Worship	SE	SE	SE	SE	SE	SE	SE	SE	-	SE	SE	SE	-	SE	-	SE	SE	Sec. 5.3.1.A. & D.
EDUCATION																		
School, Preschool through K-12	SE	SE	SE	SE	SE	SE	SE	SE	-	SE	SE	SE	-	SE	-	SE	SE	Sec. 5.3.1.A. & E.
School, Trade/Business	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	Sec. 5.3.1.A.
HEALTHCARE																		
Hospital	-	SE	SE	SE	-	-	-	-	-	-	-	P	-	P	-	-	-	Sec. 5.3.1.A
PARKS & OPEN SPACE																		
Parks, Open Space and Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 5.3.2.A.
Outdoor Living History Museum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 5.3.2.B.
UTILITIES AND COMMUNICATION																		
Minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 5.3.3.A.
Major utilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 5.3.3.B.
Telecommunication tower	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	Sec. 5.3.3.C.
Micro (small Cell) tower																		Sec. 5.3.3.D.
Solar Energy System (SES)																		
SES, Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	Sec. 5.3.3.E
SES, Freestanding	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	P	Sec. 5.3.3.E
SES, Parking Lot Canopy	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 5.3.3.E
SES, Roof-Mounted	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 5.3.3.E
SES, Wall-Mounted	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 5.3.3.E
Wind Energy System (WES)																		
WES, Small	A	-	-	-	-	-	-	-	-	A	A	A	A	A	A	A	A	Sec. 5.3.3.F
WES, Large	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	Sec. 5.3.3.F
Battery Energy Storage System (BESS)																		
BESS, Tier I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 5.3.3.G
BESS, Tier II	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	S	-	Sec. 5.3.3.G
COMMERCIAL	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS	
Child Care, as listed below:																		Sec. 5.4.1.A.
Child care center	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	Sec. 5.4.1.B.
Child care home	A	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	S	Sec. 5.4.1.C.
Child care ministry	A	A	A	A	A	A	A	A	-	A	A	A	-	A	-	A	S	Sec. 5.4.1.E.
Indoor Entertainment																		

and Recreation, except as provided below:	-	-	-	-	-	-	-	-	-	-	P	P	-	P	S	-	P	Sec. 5.4.2.A.
Adult entertainment establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-	-	-	Sec. 5.4.2.B.
Medical, except as listed below	-	-	-	-	-	-	-	-	-	-	P	P	P*	P	P*	-	-	Sec. 5.4.3.A. & B.
Clinic	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	Sec. 5.4.3.C.
Office	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	Sec. 5.4.4.A.
Outdoor Entertainment and Recreation	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	Sec. 5.4.5.
Overnight lodging, except as provided below:	-	-	-	-	-	-	-	-	-	-	-	P	-	P*	-	-	-	Sec. 5.4.6.A. & C.
Bed and breakfast	P	P	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	Sec. 5.4.6.B.
Short-Term Rentals, owner-occupied	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	-	A	Sec. 5.4.6.D.
Short-Term Rentals, not owner-occupied	S	S	S	S	S	S	S	S	S	-	-	-	-	-	-	-	S	Sec. 5.4.6.D.
Personal Service, except as provided below:	-	-	-	-	-	-	-	-	-	-	P	P	P	P*	-	P*	-	Sec. 5.4.7.A. & D.
Crematorium	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	Sec. 5.4.7.B.
Funeral Home	-	-	-	-	-	-	-	-	-	-	-	P	P	P*	-	-	-	Sec. 5.4.7.C.
Restaurant/bar, as listed below:	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P*	P	Sec. 5.4.8.A.
Bar, tavern, lounge	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	Sec. 5.4.8.B.
Eating establishments	-	-	-	-	-	-	-	-	-	-	-	P	P	P*	-	P*	-	Sec. 5.4.8.C.
Fast food/quick service	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	Sec. 5.4.8.D.
Retail sales, except as provided below:	-	-	-	-	-	-	-	-	-	-	-	P	P	P*	-	-	-	Sec. 5.4.9.A. & F.
Brewery, low intensity	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	Sec. 5.4.9.B.
Electric Vehicle Charging Station	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Sec. 5.4.9.C.
Electric Vehicle Charging Facility	-	-	-	-	-	-	-	-	-	-	-	S	S	-	S	-	-	Sec. 5.4.9.C.
Grocery	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	Sec. 5.4.9.C.
Special handling	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Sec. 5.4.9.D.
Vehicle fuel sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	Sec. 5.4.9.E.
Vehicle sales/rentals	-	-	-	-	-	-	-	-	-	-	-	-	P*	-	P	-	-	Sec. 5.4.10. A & B.
INDUSTRIAL	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS	
Car Condominium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Article 12.2.
Light industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P	P	P	Sec. 5.5.1.A. & B.
Light manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P	P	-	Sec. 5.5.2.A. & B.
Research & Development	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	Sec. 5.5.3.A.
Self-service storage	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	Sec. 5.5.4.A. & B.
Vehicle service, as listed below:																		Sec. 5.5.5.A.
Car wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	Sec. 5.5.5.B.
Vehicle repair (minor)	-	-	-	-	-	-	-	-	-	-	-	P*	P	-	P	-	-	Sec. 5.5.5.C.
Vehicle repair (major)	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	Sec. 5.5.5.D.
Vehicle repair (commercial vehicle)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	Sec. 5.5.5.E.
Warehouse & distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	Sec. 5.5.6.A. & B.

Wholesale trade	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	Sec. 5.5.7.A.
AGRICULTURAL & ANIMAL USES	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS	
Beekeeping	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	A	-	Sec. 5.6.2.A.
Community garden	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	-	-	P*	P*	Sec. 5.6.1.B.
Domestic Pets	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	A	-	Sec. 5.6.2.C.
Domestic Farm Animals	A	A*	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	Sec. 5.6.2.B.
Kennel	-	-	-	-	-	-	-	-	-	-	-	P*	-	P*	-	P*	P*	Sec. 5.6.2.D.
Personal Garden	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	A	-	Sec. 5.6.1.C.
Pet Grooming	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	P*	-	P*	P*	Sec. 5.6.2.E.
Plant nursery	-	-	-	-	-	-	-	-	*	*	*	P	-	-	-	P	P	Sec. 5.6.1.D.
Produce stand	T*	T*	T*	T*	T*	T*	T*	T*	T*	T	T	T	T	-	-	T	T	Sec. 5.6.1.E.
Urban farm	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	P	Sec. 5.6.1.F.
Veterinary Clinic	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	P*	-	P*	P*	Sec. 5.6.2.F.
Other agricultural uses as defined in this UDO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	Sec. 5.6.1.A.
ACCESSORY USES	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS	Sec. 5.7.1.
Caretaker's residence	-	-	-	-	-	-	-	-	-	A	A	A	A	A	A	A	A	Sec. 5.7.2.A
Drive-Through	-	-	-	-	-	-	-	-	-	A	A	A	-	A	A	-	-	Sec. 5.7.2.B.
Home occupation	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	-	-	Sec. 5.7.2.C.
Outdoor dining	-	-	-	-	-	-	-	-	-	-	A	A	A	-	A	-	-	Sec. 5.7.2.G.
Recreational use related to a residential development	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	-	-	Sec. 5.7.2.H.
Residential accessory service	-	-	-	-	-	-	A	-	-	-	-	-	-	-	-	-	-	Sec. 5.7.2.I.
TEMPORARY USES	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS	Sec. 5.8.1
Construction Trailer	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 5.8.2.A.
Events Tents	T	T	T	T	T	T	T	T	T	-	-	-	-	-	-	T	-	Sec. 5.8.2.G.2
Garage/Yard Sales	T	T	T	T	T	T	T	T	T	-	-	-	-	-	-	T	-	Sec. 5.8.2.G.1
Institutional	T	T	T	T	T	T	T	T	-	T	T	T	-	T	-	T	T	Sec. 5.8.2.B.
Sales Office for Model Home	T	T	T	T	T	T	T	T	-	-	-	-	-	-	-	-	-	Sec. 5.8.2.C.
Special Event	-	-	-	-	-	-	-	-	-	T	T	T	T	T	T	T	T	Sec. 5.8.2.D.
Temporary off-street parking	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 5.8.2.E.
Temporary Trash Receptacle	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 5.8.2.F.
Temporary Storage Unit (POD)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 5.8.2.F.

(Ord. [071618F](#), 07/19/2018; Ord. [111620B](#), 12/21/2020; Ord. [011822](#), 02/21/2022; Ord. [022425F](#), 04/21/2025; Ord. [100625A](#), 11/17/2025; Ord. [031626C](#), 04/20/2026)

Effective on: 4/20/2026

Sec. 5.1.6. General Health & Maintenance Standards

A. Obnoxious Characteristics

No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance. No use in existence on the effective date of this UDO shall be so altered or modified to conflict with these standards.

B. Fire Protection

Firefighting equipment and prevention measures acceptable to the Fire Department and any federal, State, County, and/or local authorities that may also have jurisdiction shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.

C. Electrical Disturbance

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

D. Noise

No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental, provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard. Also, refer to [City of Fishers Code of Ordinances, Chapter 98 Noise](#).

E. Vibration

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

F. Odor

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

G. 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.

H. Heat and Glare

No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.

I. Water and Solid Waste Pollution

1. No use shall produce erosion or pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.
2. No authorization of a use under this UDO includes the authority to discharge liquid or solid wastes into public waters except as permitted under the Stream Pollution Control Law ([Acts 1943, Chapter 214](#), as amended). Plans and specifications for proposed sewage and other waste treatment and disposal facilities shall be approved by the Stream Pollution Control Board and any federal, State, County, and/or local authorities that may also have jurisdiction.
3. 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.

J. Waste Disposal

No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that may contaminate, pollute, or harm the waters may be deposited, located, stored, or discharged on any lot in a way that would be likely to runoff, seep, or wash into surface or ground water. Also, refer the [City of Fishers Code of Ordinances, Chapter 153 Stormwater Management](#).

K. Fuel Storage

No flammable or explosive liquids, solids, or gasses as specified by the State Fire Marshal may be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel. Fuel for heavy equipment used during grading and construction may be stored on site for the duration of the project subject to all applicable State and local regulations.

L. Debris/Refuse

- 1. Debris, refuse, trash, construction material, garbage, litter, unfinished buildings, scrap metals, or rotting wood shall not be present or accumulate on any property; or
- 2. The storage or parking of any inoperable vehicle or junk vehicles as those terms are defined in CHAPTER 12. DEFINITIONS.
- 3. **Exemption.** This subsection shall not be construed as prohibiting any of the following:
 - a. The outdoor storage of bona fide farm equipment, farm implements, or farm vehicles; provided such items are being used for ongoing farm operations and are otherwise in compliance with all other applicable ordinances,
 - b. A motor vehicle which is mechanically operable, but unlicensed because it is owned, leased or co-signed to a duly licensed and lawful new or used car dealer, if the motor vehicle is located on premises under the control of the car dealer for sale or delivery; or
 - c. A vehicle or motor vehicle which is stored on the premises of a duly licensed and lawful vehicle or motor vehicle repair shop or a licensed and lawful vehicle impoundment facility, if the repair shop or impoundment facility has all licenses or registrations required by the State of Indiana

M. Light Pollution

All lighting shall comply with requirements of Article 6.5. Exterior Lighting Standards to not be detrimental to adjacent and surrounding properties to an extent to cause a nuisance or disturb a local habitat.

(Ord. 071618F, 07/19/2018; Ord. 121922E, 01/17/2023)

Effective on: 1/17/2023

Article 5.2. Residential Uses

Contents:

- Sec. 5.2.1. Household Living**
- Sec. 5.2.2. Group Home Living**
- Sec. 5.2.3. Senior Living**

Sec. 5.2.1. Household Living

A. Household Living Use Category

- Residential occupancy of a dwelling unit by a household. Household living includes the following uses.
- 1. Single-unit living, two-unit living, multi-unit living.
 - 2. Cottage court.
 - 3. Conservation development.
 - 4. Compact development.
 - 5. Manufactured home development.

B. Single-Unit Living

One (1) dwelling unit in a single primary structure.

C. Two-Unit Living

Two (2) dwelling units in a single primary structure.

D. Multi-Unit Living

Three (3) or more dwelling units in a single primary structure. Multiple primary buildings are allowed on the same lot.

E. Cottage Court

A group of small detached houses centered around a common open space or courtyard.

F. Conservation Development

A conservation development allows smaller lot sizes (with smaller setbacks) and additional density in exchange for protecting a significant amount of open space.

G. Manufactured Home Development

A site which contains or is intended for the long-term location of manufactured homes that may include services and facilities for the residents. Includes both manufactured home park (with leased or condominium spaces) and manufactured home subdivision (individually platted spaces). Manufactured home developments must meet standards in CHAPTER 3. ZONING DISTRICTS.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 5.2.2. Group Home Living

A. Group Living Use Category

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents and residents may receive care or training. Group living includes the following uses.

1. Group home.
2. Special care facilities.

B. Group Home

A facility that houses not more than 10 children that are either:

1. In need of service under IC 31-34-1; or
2. Children who have committed a delinquent act under IC 31-37-2-2; IC 31-37-2-3; or IC 31-37-2-5.
3. Group homes are not subject to covenants, deeds or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a group home as a matter of State public policy reasons. Group homes cannot be prohibited because they are a business, the persons living in a group home are not related, or any other reason. All group homes must abide by State Law and must be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

C. Special Care Facility

1. Residential Facility for the Developmentally Disabled.

- a. Large: A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in IC 12-28-4. This use is allowed in all Residential Districts.
- b. Small: A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in IC 12-28-4.

2. Residential Facility for the Mentally Ill. A residential facility which provides residential services for mentally ill individuals as described in IC 12-28-4. This use is allowed in Residential Districts, however, no two (2) Residential Facilities for the Mentally Ill shall be within 3,000 feet of each another within the City's planning jurisdiction as stated in Indiana Code.

(Ord. 071618F, 07/19/2018; Ord. 022425F, 04/21/2025)

Effective on: 4/21/2025

Sec. 5.2.3. Senior Living

A. Senior Living Use Category

Residential occupancy of an individual or multi-family dwelling unit that may not meet the definition of household living. Generally, senior living communities are for those aged 55 and over. They offer a

variety of housing and care options, which are listed below. Assisted Living

1. Senior Living Community
2. Independent Living
3. Assisted Living
4. Nursing Home

B. Senior Living Community

A residential community that offers a variety of housing and care options consisting of independent living, assisted living and memory care on a single lot. The spectrum of options allows seniors aged 55 and over to age in place. These communities are under common ownership. Residents may live in single family or multi-family housing with units only rented or leased and not sold.

C. Assisted Living

A residential community for those who require long-term assistance with activities of daily living including limited on-site rehabilitation and medical care. The building does not contain equipment for surgical care or for treatment of disease or injury and is not primarily designed for residents needing 24-hour monitoring and medical assistance by trained medical staff and treatment for mental illness or alcohol or drug addiction. Assisted living communities primarily have apartment-like private rooms that are not shared by non-related persons. They may provide memory care services for those with Alzheimer's or dementia. In the memory care wing or floor, residents may share rooms with non-related persons.

D. Independent Living

A residential community for those who do not need assistance with activities of daily living but would like services that may include daily meals, housekeeping and laundry services, wellness team, security, transportation, access to on-site activities, amenities and events, etc. Residential units associated with senior living communities are only rented or leased and not sold. These units may consist of single-family homes, duplexes, apartments, condos, townhomes, etc.

E. Nursing Home

A residential community for those who require either short- or long-term assistance with activities of daily living including 24-hour monitoring and medical assistance by trained medical staff, in-house rehabilitation services and specialized care. They do not provide care or treatment to those with a serious illness like a hospital. Nursing homes primarily have dorm – style living that may be private or shared with non-related persons. They may provide memory care services for those with Alzheimer's or dementia and mental health services.

(Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Article 5.3. Public & Institutional Uses

Contents:

Sec. 5.3.1. Civic

Sec. 5.3.2. Parks, Open Space & Greenways

Sec. 5.3.3. Utilities

Sec. 5.3.1. Civic

A. Civic Use Category

Places of public assembly that provide ongoing governmental, life safety, educational and cultural services to the public, as well as meeting areas for religious practice. Buildings and structures for civic uses shall comply with [Article 6.13. Permitted Non-residential Structure Standards](#). Non-profit civic uses are not permitted within the I-69 Overlay District (see also [CHAPTER 4. OVERLAY ZONING DISTRICTS](#)). Civic uses include , but are not limited to, the following uses as examples:

1. Cemetery.
2. Civic Club
3. Hospital
4. Museum, library.
5. Places of worship including church, mosque, synagogue, temple.
6. Police, fire, EMS station.
7. School, public or private (K-12).
8. School, Trade or Business

B. Cemetery

Land used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery. Cemeteries shall comply with the following standards.

1. **Wall and Fence Standards:** All cemeteries shall incorporate a perimeter fence or wall that is at least 48 inches tall but no taller than 72 inches. Fencing shall not be chain-link.
2. **Setback Standards:**
 - a. Any burial space shall be set back at least 100 feet from any existing or proposed easement or right-of-way.
 - b. Any permanent structure erected for the interment, entombment, or inurnment of human remains shall be set back at least 100 feet from the nearest property line.

C. Columbarium

A structure or room or space in a building used or intended to be used for the inurnment of cremated human remains.

1. **Wall and Fence Standards:** All columbaria shall incorporate a perimeter fence or wall that is at least 48 inches tall but no taller than 72 inches. Fencing shall not be chain-link.
2. **Setback Standards:** All cemetery setback standards in [Sec. 5.3.1.B.2. Setback Standards](#) shall apply.
 - a. Any burial space shall be set back at least 100 feet from any existing or proposed easement or right-of-way.
 - b. Any permanent structure erected for the interment, entombment, or inurnment of human remains shall be set back at least 100 feet from the nearest property line.

D. Place of Worship

A building set apart and/or consecrated for religious purposes and public worship.

E. School, Public or Private (K-12)

A public or private (including charter or religious) school at the primary, elementary, middle, junior high or high school level that provides basic academic education.

(Ord. [071618F](#), 07/19/2018; Ord. [022425F](#), 04/21/2025; Ord. [031626C](#), 04/20/2026)

Sec. 5.3.2. Parks, Open Space & Greenways

A. Parks, Open Space and Greenways Use Category

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas and having few structures. Parks, open space and greenway uses include, but are not limited to, the following uses as examples:

1. Botanical garden, nature preserve, recreational trail, greenway.
2. Game preserve, wildlife management area, refuge, animal sanctuary.
3. Park, recreation field. A public park may contain civic uses such as a community center, museum or library.
4. Reservoir, control structure, water supply, water well.

B. Outdoor Living History Museum.

The Outdoor Living History Museum established to provide for the education of the public regarding the life and times of the first generation of Indiana settlers. The use standards for the Outdoor Living History Museum is provided below:

1. **Approval.** Development Plan approval required for all developments.
2. **Height.** One (1) primary structure not to exceed 50 feet; all other structures not to exceed 35 feet; exhibits/attractions related to the outdoor living history museum exempt from these height standards.
3. **Minimum Lot Area.** 150 acres.
4. **Minimum Lot Width at Building Line.** 1,000 feet.
5. **Minimum Lot Frontage.** 500 feet.
6. **Sewer and Water.** Requires municipal water or sewer hookup.
7. **Minimum Front Setback.** 100 feet.
8. **Minimum Side Setback.** 50 feet
9. **Minimum Rear Setback.** 100 feet
10. **Buffer Yard.** Additional Buffer Yard requirements may apply that increases the setbacks. See also [Sec. 6.7.5. Buffer Yards](#).
11. **Maximum Impervious Surface Coverage.** 40%
12. **Primary/Accessory Structures.** More than one Primary Structure and more than one accessory structure shall be permitted on one tract of land.
13. **Access.** Entrances and exits shall be located to minimize any adverse effect on adjacent properties.
14. **Parking.** Off-street parking spaces shall be provided on site for any use and shall consist of not fewer than 620 improved parking spaces.
15. **Storage.** Outside storage, where necessary, shall be in a manner which will minimize its visibility from areas adjoining the project site.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 5.3.3. Utilities

A. Minor Utilities Use Category

Public or private infrastructure serving a limited area with no on-site personnel. Minor utilities include, but are not limited to, the following uses as examples:

1. On-site stormwater retention or detention facility.
2. Neighborhood-serving cable, telephone, gas or electric facility.
3. Sustainable energy system.
4. Water and wastewater pump station or lift station.
5. Electrical substation.
6. Utility service.

B. Major Utilities Use Category

Public or private infrastructure serving the general community and possibly having on-site personnel. Major utilities include the following uses.

1. Electric or gas generation plant.
2. Water or sanitary sewer treatment plant.

C. Telecommunication Facilities

A land based facility, consisting of towers, antennas, accessory buildings and structures or other structures intended for use as it relates to commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions. Telecommunication facilities are allowed in nonresidential zoning districts and shall comply with the following use standards:

1. Setbacks.

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

2. Design. All telecommunication towers shall be a monopole design.

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

3. **Access.** Proposed telecommunication towers and antennas shall meet the following access requirements:

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

4. **Design.** Proposed telecommunication towers and antennas shall meet the following design requirements:

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

5. **Collocation Requirements.**

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

6. **Siting Requirements.** A proposal for a new telecommunication tower shall not be approved unless the petitioner submits verification that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or buildings or other structure due to one (1) or more of the following reasons:
- a. The planned telecommunication equipment would exceed the structural capacity of the existing or approved towers, buildings, or structures as documented by a qualified and licensed professional engineer, and the existing or approved towers, buildings or structures cannot be reinforced, modified, or replaced to accommodate the planned telecommunication equipment at a reasonable cost.
 - b. The planned telecommunication equipment would cause interference impacting the usability of other existing telecommunication equipment at the site if placed on existing structures. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost.
 - c. The existing or approved towers, buildings or structures within the search radius cannot accommodate the planned telecommunication equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - d. Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunication equipment upon an existing or approved tower, building or structure.
 - e. The petitioner has been unable to enter a commonly reasonable lease term with the owners of existing towers, buildings or structures.
 - f. Additional land area is not available at the base of existing towers, buildings or structures to accommodate the proposed telecommunication facility.

- 7. Construction Requirements.** All antennas, telecommunication towers, accessory structures and any other wiring constructed within the Commission's jurisdiction shall comply with the following requirements:
- All applicable provisions of this UDO and the Building Code of the State of Indiana, as amended, and the Federal Communications Commission (FCC) when applicable.
 - All telecommunication towers and telecommunication equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code, as amended, and the Electronics Industry Association.
 - Except for necessary electric and telephone service and connection lines approved by the Board, no part of any telecommunication equipment, telecommunication tower, lines, cables, equipment, wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail or property line without appropriate approval in writing.
 - All telecommunication towers and telecommunication equipment shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.
 - All telecommunication towers and telecommunication equipment shall be constructed to conform with the requirements of the Occupational Safety and Health Administration (OSHA).
 - All signal and remote-control conductors of low energy extending substantially horizontally above the ground between a tower and other telecommunication equipment, or between towers, shall be at least 10 feet above the ground at all points, unless buried underground.
 - All telecommunication towers and telecommunication equipment shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.
 - An engineer's certification shall be submitted for all telecommunication towers and all other telecommunication equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all collocation sites, strength requirements to withstand natural forces such as ice, wind, earth movements, etc.
 - All telecommunication towers and telecommunication equipment shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half (½) inch of ice and to accommodate all collocation sites as required by this UDO.
- 8. Existing Structures.** The following shall apply to existing antennas, telecommunication towers and telecommunication equipment:
- Existing structures may continue in use for the purpose now used and as now existing, but may not be replaced or significantly structurally altered without complying in all respects to the requirements set out in this UDO.
 - All requests to install any telecommunication equipment on an existing approved or "grandfathered" tower, building or structure shall be submitted to the Department for approval. All such requests will only require an electrical permit, Department zoning approval, and the contract between the petitioner and the owner of the existing tower, building or structure, unless other approvals are required as set out in this UDO.
- 9. Inspection of Towers.** The following shall apply to the inspection of telecommunication towers:
- All telecommunication towers may be inspected at least once every year - or more often as needed to respond to complaints received - by the Department, the Director of Engineering, and/or a qualified and licensed consulting engineer to determine compliance with the original construction standards. Deviation from original construction for which any permit was obtained constitutes a violation of this UDO.
 - Notice of Violation will be sent by registered mail to the owner and the owner will have 30 days from the date the notification is issued to make repairs. The owner is required to notify the Department of Community Development that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.

10. **Abandoned Towers.** Any telecommunication tower unused or left abandoned for six (6) months will be removed by the tower owner at its expense. Should the owner fail to remove the telecommunication tower after 30 days from the date a Notice of Violation is issued, the City may remove the telecommunication tower and bill the owner for the costs of removal and cleanup of the site.

D. **Micro (Small Cell) Towers**

1. **Purpose.** The purpose of this Section is to provide for sensible and reasonable land use standards to allow for the provision of adequate reliable public and private telecommunication service and small cell facilities for telecommunications to serve the telecommunications needs of the area and undesirable visual effects of such small cell facilities and to provide for the reasonable location of such facilities in the City.
2. **Limitation to JURIS-OL.** Small cell facilities for telecommunications are limited to placement in the JURIS-OL zoning district. Small cell facilities for telecommunications are not permitted within JURIS-OL right-of-way having "Local" functional classification as defined in the City's Transportation Plan.
3. **Definitions.** For purposes of this Section, the following words are consistent with [State Law](#), the words and phrases below are defined as follows:

(Ord. [071618F](#), 07/19/2018)

4. **General Standards.**

- a. Permits: A person that provides wireless communications service or otherwise makes available infrastructure for wireless communications services may apply for a permit to (a) locate a wireless facility or wireless support structure, (b) perform a substantial modification or (c) collocate wireless facilities on existing structures in the JURIS-OL. An applicant shall demonstrate that the proposed wireless facility, wireless support structure or substantial modification thereof complies with the requirements of this JURIS-OL.

b. Collocation Preference:

- i. At a minimum, new wireless facilities shall be a monopole constructed to support the initial user plus the anticipated loading of one additional user.
- ii. The site of the initial wireless facility at any location shall be of sufficient area to allow for the location of one (1) additional wireless facility.
- iii. Any proposed wireless support structure shall be designed, and engineered structurally, electrically and in all other respects, to accommodate both the initial wireless facility and one additional wireless facility support structure shall be designed to allow for future rearrangement of cellular communication equipment and antennas upon the structure and to accept cellular communication equipment and antennas mounted at varying heights.
- iv. A proposal for a new wireless support structure shall not be approved unless the person submits an affidavit that the telecommunication equipment planned for the proposed wireless support structure cannot be accommodated on an existing or approved utility pole or electrical transmission tower or other structure due to one (1) or more of the following reasons:
 - a) The planned telecommunication equipment would exceed the structural capacity of the existing or approved utility pole or electrical transmission tower, buildings, or structures as documented by a qualified and licensed professional engineer, and the existing or approved utility pole or electrical transmission tower, buildings or structures cannot be reinforced, modified, or replaced to accommodate the planned telecommunication equipment at a reasonable cost, or
 - b) The planned telecommunication equipment would cause interference impacting the usability of other existing telecommunication equipment at the site if placed on existing structures. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost; or
 - c) The existing or approved utility pole or electrical transmission tower, buildings or structures within the search radius cannot accommodate the planned telecommunication equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; or
 - d) Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunication equipment upon an existing or approved utility pole or electrical transmission tower, building or structure; or
 - e) The person has been unable to enter a commonly reasonable lease term with the owners of existing utility pole or electrical transmission tower, buildings or structures.

- c. Specifications: Beginning on the effective date of August 1, 2015, new wireless facilities and wireless support structures shall meet the following specifications:
- i. *Overall Maximum Antenna and Tower Height*: 50 feet from AGL (at grade level).
 - ii. *Minimum Tower Separation*: 1,000 feet between any other support structure primarily used for telecommunications, measured in any direction between support structures, not necessarily a dimension measured parallel to a road right-of-way.
 - iii. Support structures must be metal or fiberglass poles matching the City's street light poles, per engineering specifications as may be amended from time to time by the Fishers Board of Public Works and shall be "Fishers Green" which is commonly called Lilly Industries "Holiday Green" RAL 6004. Support structures shall include luminaires that match the City's specifications for lighting and be maintained in good working order at the cost of the applicant, including the cost of electricity. Any antenna equipment mounted to the support structures (antenna or other permitted equipment) shall also be matching in color to the support structure.
 - iv. All facility equipment at a single facility, except for the antenna itself, shall be ground mounted in a cabinet having an area not to exceed 40 cubic feet and no greater than 48 inches tall. Under special circumstances based on an agreement, the permit authority may allow a pole mounted cabinet with dimension not exceeding 20" x 20" x 6", ground mounted cabinet not to exceed 2' x 2' x 1' and other considerations, such as, but not limited to, the addition of shrouding and landscaping to mitigate the visual impact of the equipment. If an agreement cannot be reached, then the City Board of Public Works shall intervene and decide.
 - v. All support structures shall have a plaque identifying the structure, the owner and the owner's contact information, said plaque shall not exceed 0.25 square feet.
 - vi. All wiring and fiber shall be concealed within the support structure and all conduit, wiring and fiber shall be buried between structures and/or structures and ground mounted cabinets. All service lines (e.g. electric lines) to the support structure must also be buried unless service lines in the support structure are aerial then service lines to the support structure can also be aerial, except for any service drop crossing a street or roadway which would need to be bored and placed under such street or roadway.
 - vii. Wireless support structures and facilities shall be designed to blend into the surrounding environment using color, camouflaging and architectural treatment and the entire facility shall be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment is required for associated support structures, which shall be designed to architecturally match the exterior of residential or commercial structures within the neighborhood or area. Specific requirements for aesthetics of the wireless support structures and facilities shall be in accordance with standards established by the City Board of Public Works, from time to time.
- d. Continued Operation: A person receiving a permit for a new (i) construction of a new wireless support structure; (ii) substantial modification of a wireless support structure; or (iii) collocation of wireless facilities on an existing structure explicitly agrees that if the wireless support structure or wireless facilities are not used for a period of six (6) consecutive months, they will be removed by the facilities owner at its expense. Should such owner fail to remove the wireless support structure or wireless facilities after 30 business days from the date a Notice of Violation is issued by the City, the City may remove such structure or facilities and bill the owner for the costs of removal and cleanup of the site. The owner of any facility shall annually file a copy of any inspections completed on such wireless support structure or wireless facilities with the permit authority for continued operation and use of the wireless support structure or wireless facilities.
- e. Confidential Information: All confidential information submitted by an applicant shall be maintained to the extent authorized by [Indiana Code 5-14-3 et. seq.](#)

5. New Wireless Support Structures.

a. Contents of Application: An application for a permit shall include the following:

- i. The name, business address, and point of contact for the applicant.
- ii. The location address, and Latitude and Longitude of the proposed or affected wireless support structure or wireless facility, and identify all small cell towers within 1,500 feet of the proposed new support structure.
- iii. A construction plan, as defined herein, that describes the proposed wireless, support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment sufficient to determine compliance with these standards.
- iv. Evidence supporting the choice of location, including, without limitation.
 - a) Maps or plats showing the proposed location(s) of applicant's proposed wireless support structure; and
 - b) A sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option.

b. Single Application: An applicant may submit one (1) application for multiple wireless service facilities that are located within JURIS-OL. The Department may issue a single permit for all wireless support structures and service facilities included in the application rather than individual permits for each wireless support structure and service facility.

c. Variances: If the proposed wireless support structure is not a permitted use under an applicable zoning ordinance, the applicant shall additionally submit evidence showing that the application complies with the criteria for a variance of use from the terms of the zoning ordinance.

d. Procedure:

- i. *Determination of Completion/Defects*: Within 10 business days of receipt of an application, the permit authority shall review the application to determine if the application is complete. If the permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. An applicant that receives a written notice of incompleteness may cure the defects and resubmit the application within 30 business days of receiving the notice. If an applicant is unable to cure the defects within the 30-day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.
- ii. *Decision by Permit Authority*: Not more than 14 business days after the permit authority makes an initial determination of completeness, the permit authority shall: (i) review the application to determine if it complies with applicable requirements of this Section (ii) review the application to determine if it complies with standards required as established by the permit authority, and (iii) notify the applicant in writing whether the application is approved or denied. However, if the applicant requested additional time to cure defects in the application, the 14 business days shall be extended for a corresponding, reasonable amount of time.

e. Written Determinations: A written determination shall state clearly the basis for the decision to approve or deny an application. If the permit authority denies an application, the written determination must include substantial evidence in support of the denial. If a use variance is needed, a determination is considered written if it is included in the minutes of a public meeting of the permit authority.

6. **Substantial Modification**. A substantial modification shall result in a new application and shall follow the same process for a New Wireless Support Structures described above.

7. **Collocation**. An application for a permit for collocation shall follow the same process as a New Wireless Support Structures described above.

8. Construction Requirements. All antennas, telecommunication towers, accessory structures and any other wiring constructed within the Commission jurisdiction shall comply with the following requirements:

- a. All applicable provisions of this UDO and the Building Code of the State of Indiana, as amended, and the FCC when applicable.
- b. All wireless facilities and support structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code, as amended, and the Electronics Industry Association.
- c. All wireless facilities and support structures shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.
- d. All wireless facilities and support structures shall be constructed to conform with the requirements of the OSHA.
- e. All wireless facilities and support structures shall be designed and constructed to all applicable standards of the ANSI manual, as amended.

E. Solar Energy Systems

1. Applicability.

- a. The requirements of this Section shall apply to all solar energy systems permitted, installed, or modified in the City after the effective date of this Ordinance, excluding general maintenance and repair.
- b. Solar energy systems constructed or installed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance.
- c. Modifications to, retrofits or replacements of an existing solar energy system that increase the total energy output shall be subject to this Ordinance.

2. Use Standards.

- a. Solar, Building-Mounted. The standards of this subsection apply to roof-mounted and wall-mounted solar energy systems.

1. *Output*. The system shall not produce more than one megawatt of electricity.

2. *Location on the structure*.

- a. SES is permitted to be on any primary and accessory structure.
- b. Roof-mounted SES may be located on any roof plane.
- c. Wall-mounted SES may not be located on a Front Façade, unless designed to be integrated with the walls.

3. *Height*. Solar energy system may exceed the permitted maximum height of the underlying zoning district per primary or accessory structure that the system is affixed to by a maximum of:

- a. Residential zoning districts. Thirty-six (36) inches.
- b. Mixed-Use and Non-Residential zoning districts: Sixty (60) inches.

4. *Projections*.

- a. Roof-mounted SES may not project horizontally further than the existing roof footprint or overhang.
- b. Wall-mounted SES may project horizontally into the side and rear yards only but shall also meet the requirements of [Sec. 6.16.3.A Building Features](#).

5. *Signs*. Signage or writing of any kind is not permitted on any portion of system, other than required manufacturer plates and safety labeling.

- b. Solar, Freestanding. The standards of this subsection apply to freestanding solar energy systems, other than Parking Lot Canopy SES.
1. *Output*. An accessory freestanding SES shall produce less than one megawatt of electricity. A primary use freestanding SES may produce one megawatt of electricity or more.
 2. *Location*. Freestanding SES shall not be located in the established front yard and are permitted only in the side and rear yards.
 3. *Size*. Freestanding SES square footage shall not count towards the total accessory structures or building floor area.
 4. *Height*. An accessory freestanding SES shall meet the maximum permitted height requirement for accessory structures of the underlying zoning district. A primary use freestanding SES shall meet the maximum permitted height requirement for a primary structure of the underlying zoning district.
 5. *Setbacks*. Accessory freestanding SES shall meet the setback requirements for accessory structures of the underlying zoning district. Primary use freestanding SES shall meet the applicable primary structure setback requirements of the underlying zoning district.
 6. *Lot Coverage*. The portions of the freestanding SES that do not touch the ground shall not be counted towards the lot coverage requirement.
 7. *Signs*. Signage or writing of any kind is not permitted on any portion of the system, other than required manufacturer plates and safety labeling.
- c. Solar, Parking Lot Canopy. The standards of this subsection apply to the Parking Lot Canopy Solar Energy Systems as defined in this UDO.
1. *Output*. The system shall not produce more than one megawatt of electricity.
 2. *Location*. The system may be located in the established front, side, or rear yard over the existing or proposed parking lot structure.
 3. *Setbacks*.
 - a. The system shall meet the required front building setback of the underlying zoning district.
 - b. Any portion of the system, including overhangs, shall be set back from the side and rear lot lines a minimum of ten (10) feet.
 4. *Signage*. Signage or writing of any kind is not permitted on any portion of any parking lot canopy solar energy system, other than required manufacturer plates or safety labeling.
- d. Commercial Solar Energy System. The standards of this subsection apply to Commercial SES as defined in this UDO.
1. *Adopted state code*. Under the provisions of [I.C. 8-1-42, et seq.](#), the City of Fishers adopts Commercial Solar Energy Systems regulations, specifically sections [I.C. 8-1-42-10](#) through [I.C. 8-1-42-20](#) with the following amended standards:
 - a. *Location*. The system is permitted to be located on the lot as allowed per specific type of SES (freestanding, building-mounted, roof-mounted, parking lot canopy).
 - b. *Setbacks*. In addition to meeting state setback and minimum distances from certain rights-of-way requirements, the Commercial SES shall meet the minimum setback requirements per zoning district and per specific type of SES (freestanding, building-mounted, roof-mounted, parking lot canopy).
 - c. *Landscape buffer*. Commercial SES shall meet the landscape buffer requirements pursuant to this UDO.

F. Wind Energy Systems

1. Applicability

- a. The requirements of this Section shall apply to all wind energy systems permitted, installed, or modified in the City after the effective date of this Ordinance, excluding general maintenance and repair.
- b. Wind energy systems constructed or installed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance.
- c. Modifications to, retrofits or replacements of an existing wind energy system that increase the total energy output shall be subject to this Ordinance.

2. Use Standards

a. General Standards

1. *Signs.* Signage or writing of any kind is not permitted on any portion of any wind turbine, other than required manufacturer plates or safety labeling.
2. *Lighting.* Small wind energy systems shall provide lighting per Federal Aviation Administration (FAA) regulations. Lighting shall be red and may not be of the incandescent variety, unless FAA regulations otherwise allow or require.
3. *Clearance.* Minimum clearance between the lowest tip of the rotor or blade and the ground is 10 feet.
4. *Access.* Climbing access (rungs or foot pegs) to the tower shall not start until 12 feet above grade to prevent unauthorized access.
5. *Installation.* Small wind energy systems shall be installed only by professional installers certified to install wind turbines, and only pursuant to manufacturer specifications.

b. Wind Energy System, Large

1. *Adopted state code.* Under the provisions of [I.C. 8-1-41, et seq.](#), the City of Fishers adopts Wind Energy Systems regulations, specifically sections [I.C. 8-1-41-10](#) through [I.C. 8-1-41-16](#).

c. Wind Energy System, Small

1. *Height.*
 - a. In Residential zoning districts, an accessory small wind energy system may exceed the maximum building height of the applicable zoning district by 10 feet.
 - b. In Mixed-Use zoning districts, an accessory small wind energy system may exceed the maximum building height of the applicable zoning district by 20 feet.
 - c. In Non-residential zoning districts, an accessory small wind energy system may exceed the maximum building height of the applicable zoning district by 40 feet.
2. *Setback.* Each accessory small wind energy system shall be set back from each property line at least a distance equal to the height of the tower and blade with the blade in its highest vertical position.
3. *Location.* The system is permitted to be placed only in the established side and rear yards.

G. Battery Storage Energy Systems

1. **Purpose.** The Battery Energy Storage System standards are adopted to advance and protect the public health, safety, welfare, and quality of life of the City by creating regulations for the installation and use of battery energy storage systems (BESS), with the following goals:
 - a. To designate properties suitable for the location, construction and operation of BESS.
 - b. To ensure compatible land uses in the vicinity of the areas affected by BESS.
 - c. To create synergy between battery energy storage system development and other stated goals of the community pursuant to the City's Comprehensive Plan.

2. Applicability.

- a. The requirements of this Section shall apply to all battery energy storage systems permitted, installed, or modified in the City after the effective date of this Ordinance, excluding general maintenance and repair.
- b. Battery energy storage systems constructed or installed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance.
- c. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Ordinance.

3. Other standards. Battery energy storage systems shall comply with all applicable national and state safety, fire, building, and electric codes, including the latest edition of [NFPA 855 \(Standard for the Installation of Stationary Energy Storage Systems\)](#) and [NFPA 70](#).

4. Use Permission.

- a. Tier I BESS. Tier I BESS shall be permitted in all zoning districts as an accessory use and shall be subject to the standards in this UDO.
- b. Tier II BESS. Tier II BESS shall be permitted in certain zoning districts as stated in [CHAPTER 5. USE REGULATIONS](#), through the issuance of a Special Exception Permit.

5. Permit Requirements.

- a. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.
- b. A site plan review shall be required for any part of the battery storage energy system installed outside of a building for consistency with the requirements in this UDO.

6. General Standards.

- a. *Floodplain*. Battery energy storage systems are prohibited in any designated floodplain and floodway.
- b. *Utility lines and electrical circuitry*. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, except for the main service connection at the utility company easement or right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
- c. *Floor Area*. Battery energy storage systems shall not be counted towards the maximum floor area requirement.
- d. *Height*. If located outside, BESS shall not exceed seven (7) feet in height.
- e. *Screening*. When BESS is located outside, it shall comply with the following screening standards.
 1. *Fence/wall*. Battery energy storage systems, including all mechanical equipment, installed outside shall be screened by an opaque fence or wall around the entire perimeter and shall have a self-locking gate to prevent unauthorized access.
 2. *Vegetation*. No woody plants shall be installed within 10 feet of the screening fence or wall to avoid combustion hazard. Areas within 10 feet of the BESS shall be cleared of combustible vegetation.
- f. *Setbacks*. BESS including mechanical equipment and screening shall meet setback requirements for the accessory structures of the underlying zoning district.
- g. *Noise*. The 1-hour average noise generated from the battery energy storage systems, components, and associated accessory equipment shall not exceed a noise level of 45 dBA as measured at the subject site's property lines.

- 7. Tier II BESS Standards.** In addition to the standards in this UDO and Article, Tier II battery energy storage system use shall meet the following standards.
- a. *Special Exception Standards.* At the stage of Special Exception review, the applicant shall submit documents to show adherence to the standards in this UDO and the following standards:
 - b. *Lot size.* Minimum lot size required for Tier II BESS is 1 acre.
 - c. *Setbacks.* Any part of Tier II battery energy storage system shall meet setback requirements for the primary structure of the underlying zoning district and shall be located at least 50 feet from a property line abutting a residential use.
 - d. *Screening.* Battery energy storage systems, including all mechanical equipment, installed outside shall be screened by an opaque fence or wall that is at least 7 feet tall around the entire perimeter and shall have a self-locking gate to prevent unauthorized access. The type and design of the fence/wall shall meet the requirements in [Sec. 6.2.6. Mechanical & Utility Equipment](#).
 - e. *Height.* Tier II BESS shall not exceed fifteen (15) feet in height, or the maximum height allowed for primary structure in the underlying zoning district, whichever is less.
 - f. *Signage.*
 - 1. Signage shall comply with [ANSI Z535](#) and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the vicinity of battery energy storage systems, and twenty-four-hour emergency contact information, including reach-back phone number.
 - 2. Disconnect and other emergency shutoff information shall be clearly displayed on a light-reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
 - g. *Lighting.* Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties and shall comply with the standards in [Article 6.5. Exterior Lighting Standards](#).

8. Decommissioning.

- a. *Decommissioning Plan.* The applicant shall submit a decommissioning plan developed in accordance with this UDO, containing a narrative description of the activities to be accomplished for removing the battery energy storage system from service, and from the facility in which it is located. The decommissioning plan shall also include:
1. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site.
 2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 3. The anticipated life of the battery energy storage system.
 4. The estimated decommissioning costs and how said estimate was determined.
 5. The method of ensuring that funds will be available for decommissioning and restoration.
 6. The method by which the decommissioning cost will be kept current.
 7. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
 8. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- b. *Decommissioning Fund.* The applicant, or successors, shall continuously maintain a fund, bond, or security payable to the City, in a form approved by the City, for the removal of the battery energy storage system, in an amount to be determined by the City, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.

- 9. Permit Submittal Requirements.** In addition to the documents required by this UDO for any building, electrical, and Improvement Location Permits, the following shall be submitted:
- a. An electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
 - b. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.
 - c. Decommissioning Plan and Fund documents.
 - d. Fire Safety Compliance Plan. The plan shall show compliance with the local and state fire safety requirements.
 - e. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information.
 - f. Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 2. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 3. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 4. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 5. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 6. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
 7. Other procedures as determined necessary by the [Village/Town/City] to provide for the safety of occupants, neighboring properties, and emergency responders.
 8. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
- 10. Permit Time Frame and Abandonment.** The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the City may, at its discretion, utilize the available bond and/or security for the removal of a Tier II battery energy storage system and restoration of the site in accordance with the decommissioning plan.

11. **Ownership Changes.** If the owner of the battery energy storage system changes or the owner of the property changes, the Special Exception approval shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the Special Exception, ILP and building permit approval(s), and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Director in writing of such change in ownership or operator within 60 days of the ownership change. The Special Exception and all other local approvals for the battery energy storage system shall be considered void if a new owner or operator fails to provide written notification to the Director in the required time frame. Reinstatement of a void Special Exception will be subject to the same review and approval processes for new applications under this section.

H. Use Standards for All Other Civic Uses

A buffer yard in accordance with [Sec. 6.7.5. Buffer Yards](#) must be established along all property lines abutting a residential use.

(Ord. [071618F](#), 07/19/2018; Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Article 5.4. Commercial Uses

Contents:

Sec. 5.4.1. Child Care

Sec. 5.4.2. Indoor Entertainment and Recreation

Sec. 5.4.3. Medical

Sec. 5.4.4. Office

Sec. 5.4.5. Outdoor Entertainment and Recreation

Sec. 5.4.6. Overnight Lodging

Sec. 5.4.7. Personal Service

Sec. 5.4.8. Restaurant/Bar

Sec. 5.4.9. Retail Sales

Sec. 5.4.10. Vehicle Sales/Rental

Sec. 5.4.1. Child Care

A. Child Care Use Category

1. Child Care Center.
2. Child Care Home.
3. Child Care Institution.
4. Child Care Ministry.

B. Child Care Center

1. **Use Standard.** Regarding [IC 12-17.2](#), a nonresidential structure where at least one (1) child receives child care from a provider:
 - a. While unattended by a parent, legal guardian, or custodian;
 - b. For regular compensation; and
 - c. For more than four (4) hours but less than 24 hours in each of 10 consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays.

C. Child Care Home

1. Use Standard. Regarding [IC 12-17.2](#), a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:
 - a. while unattended by a parent, legal guardian, or custodian;
 - b. for regular compensation; and
 - c. for more than four (4) hours but less than 24 hours in each of 10 consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays.
 - d. This definition includes Class I Child Care Homes that serve any combination of full-time and part-time children under the age of seven (7) but not to exceed 12 children at any one time; and Class II Child Care Homes that serve more than 12 children but not more than any combination of 16 full-time and part-time children under the age of seven (7) at any one time.

D. Child Care Institution

1. A residential facility that provides child care on a 24-hour basis for more than 10 children; or
2. A residential facility with a capacity of not more than 10 children that does not meet the residential structure requirements of a group home; or
3. All the following:
 - a. Operates under a license issued under [IC 12-17.4](#);
 - b. Provides for delivery of mental health services that are appropriate to the needs of the individual; and
 - c. Complies with the rules adopted under [IC 4-22-2](#) by the Division of Family and Children.
4. A child care institution does not include a juvenile detention facility.

E. Child Care Ministry

1. Pursuant to [I.C. 12-17.2](#), a child care operated by a church or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code. It's a use accessory to a primary Place of Worship use.

(Ord. [071618F](#), 07/19/2018; Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 5.4.2. Indoor Entertainment and Recreation

A. Indoor Entertainment and Recreation Use Category.

Commercial uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities in an indoor setting. Indoor entertainment includes the following uses.

1. Adult establishment.
2. Amusement center, game arcade, children's amusement center.
3. Billiard hall, pool hall.
4. Bingo hall.
5. Bowling alley.
6. Convention center, arena.
7. Dance, martial arts, music studio or classroom.
8. Event venue.
9. Health club.
10. Performance venue.
11. Shooting range.
12. Sports academy.
13. Miniature golf facility.
14. Motor track.
15. Movie theater or other indoor theater.
16. Skating rink.
17. Wedding chapel.

(Ord. [071618F](#), 07/19/2018; Ord. [022425F](#), 04/21/2025; Ord. [031626C](#), 04/20/2026)

B. Adult Entertainment Establishment.

1. **Defined.**
2. **Location.** Adult Entertainment businesses are only allowed in the I1 Zoning District.
3. **Prohibitions.** The establishment, enlargement, reconstruction, resumption, or structural alteration of any adult business shall be prohibited if such business is within:
 - a. 1,320 feet of any place of worship, public or private elementary or secondary school, private or public preschool or day care center, or public park.
 - b. 1,320 feet of any residential zoning district or mobile home park zoning district.
4. **Proximity.** The distance between an adult business and any place of worship, school, park, day care center, residential zoning district, or mobile home park zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the adult business to the nearest property line of the church, day care center, school, park, residential zoning district. If any adult business is part of or included within an integrated center, the portion of such center or leased space occupied by such adult business shall be included in determining the closest exterior structural wall of such establishment.
5. **Exterior Display.** No adult business shall be conducted in any manner that permits the 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 way.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 5.4.3. Medical

A. Medical Use Category

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical uses include, but are not limited to, the following uses as examples:

1. Ambulatory surgical center.
2. Blood plasma donation center, medical or dental laboratory.
3. Hospital, urgent care, emergency medical office.
4. Medical, dental office or chiropractor, osteopath, physician, medical practitioner.
5. Medical clinic.

B. Use Standard

1. Medical in the EN Zoning District is limited to medical dental office or chiropractor, osteopath, physician, medical practitioner. Hospitals, surgery centers, clinics, and the like are not allowed in the EN and MA Districts.

C. Clinics

1. **Defined.** An establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least two (2) physicians, dentists or chiropractors and other medical practitioners are provided.
2. **Use Standard.** Clinics are not a medical office, and are held to higher parking standards and not allowed in all the same zones as medical office use.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 5.4.4. Office

A. Office Use Category

Activities conducted in an office setting and generally focusing on business, professional or financial services. Office uses include, but are not limited to, the following uses as examples:

1. Business services including, but not limited to, advertising, business management consulting, data processing or collection agency.
2. Professional services including, but not limited to, lawyer, accountant, bookkeeper, engineer, architect, sales office or travel agency.
3. Financial services including but not limited to, lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent or mortgage agent.
4. Charitable institution (not providing housing or shelter).
5. Counseling in an office setting.
6. City, county, state, federal government office.
7. Radio, TV or recording studio, utility office.

(Ord. [071618F](#), 07/19/2018; Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 5.4.5. Outdoor Entertainment and Recreation

A. Outdoor Entertainment and Recreation Use Category

Uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor entertainment and recreation uses include, but are not limited to, the following uses as examples:

1. Camp, campground, travel trailer park, recreational vehicle park.
2. Drive-in theater.
3. Golf course, Commercial.
4. Extreme sports facility such as paintball, BMX or skateboarding.
5. Outdoor sports-related commercial activity such as batting cage, golf driving range, amusement park, miniature golf facility, water park.
6. Outdoor theater.
7. Outdoor sports or entertainment facility.
8. Riding stable.
9. Racetrack.
10. Shooting range.
11. Sports academy for active recreational or competitive sports.
12. Stadium, arena.

(Ord. 071618F, 07/19/2018; Ord. 031626C, 04/20/2026)

Effective on: 4/20/2026

Sec. 5.4.6. Overnight Lodging

A. Overnight Lodging Use Category

Accommodations arranged for short term stays. Overnight lodging includes the following uses:

1. Bed and breakfast
2. Hotel, motel.

B. Bed and Breakfast

1. **Defined.** An operator-occupied historic residence or expanded historic residence that:
 - a. Provides sleeping accommodations to the public for a fee;
 - b. Has no more than 14 guest rooms;
 - c. Provides breakfast to its guests as part of the fees; and,
 - d. Provides sleeping accommodations for no more than 30 consecutive days to a guest.
 - e. The term does not include hotels, motels, health or limited care facilities, boarding houses, group quarters, hospice, rescue missions or food service establishments.

2. Use Standards. A bed and breakfast shall be permitted in the ER, R1, R2, C1, OS, and AG Districts if the use complies with all requirements of these standards. The following general standards are applicable to any person, group, firm, business or organization engaging in the use of any property for a bed and breakfast:

- a. The uses and operations shall be conducted within enclosed buildings. All on-site vehicular circulation and traffic patterns shall be approved by the Commission.
- b. No show windows or other exterior display, displaying, promoting or advertising services retained, offered, promoted or advertised by the use occupying the premises shall be permitted.
- c. No person, group, firm, business or organization shall engage in the use of any property for a bed and breakfast without first:
 - i. Obtaining the necessary permits and approvals, as required in the underlying zoning district;
 - ii. Complying with all required conditions and standards of development and operation;
 - iii. Complying with all standards adopted by the Indiana State Board of Health, and/or the Hamilton County Health Department, for food preparation and handling and sanitation in bed and breakfast establishments;
 - iv. Complying with all fire safety standards as established by the Fire Prevention and Building Safety Commission for bed and breakfast establishments; and
 - v. Obtaining the necessary tourist facility licensing by the appropriate agency.
- d. It is the express intent of this Section to limit permitted uses in a bed and breakfast inn to provide sleeping accommodations to the public for a fee, and to providing breakfast to guests as part of that fee. Therefore, no accessory use subordinate to a bed and breakfast inn is permitted. By way of illustration, and not by way of limitation, bed and breakfast inns may not:
 - i. Operate beauty and barber shops;
 - ii. Provide recreation facilities to serve the public, guests and employees;
 - iii. Provide facilities for conferences and meetings to anyone other than registered guests;
 - iv. Operate a commercial restaurant business;
 - v. Operate a clothes and cleaning pick-up business; or
 - vi. Obtain an Alcoholic Beverage Permit.
- e. It is the intent of this Section to limit each lot area to one (1) historic residence or one (1) expanded historic residence. Historic residences and/or expanded historic residences cannot be combined or attached by way of architectural addition or otherwise.
 - i. The location of a bed and breakfast in a residential zoning district is not intended nor should it be construed as changing the character of the residential zoning district. Such location in a residential zoning district may not serve as the basis for the granting of a variance or rezone for commercial or industrial development in the residential zoning district.
 - ii. Hours of operation shall not interfere with the use and enjoyment of adjacent residential properties.
- f. Bed and breakfast inns shall have a minimum lot area of two (2) acres. nonresidential zoning districts shall meet the lot area requirements of the underlying zoning district.
- g. Bed and breakfast inns shall provide one (1) parking space per guest room, plus one (1) parking space for each employee.
- h. All front, side, and rear setbacks shall comply with the underlying zoning district requirements.

C. Extended Stay Motel/Hotel/Inn

1. **Defined.** A facility that contains one (1) or more rooms for overnight guests containing registration facilities, on-site management, cleaning services and combined utilities.
2. **Use Standards.** In the I1 Zoning District, any extended stay motel, hotel or inn shall be within 3,000 feet of the centerline of the I-69 interchange at its intersection with the centerline of 96th Street.

D. Short-term Rentals

1. **Defined.** Short-term rental means the rental of any of the following property types for less than 30-day periods:
 - a. **Short-Term Rental.** In accordance with [I.C. 36-1-24-6](#), the rental of a single-family home, an accessory dwelling unit, a duplex, a multi-family dwelling, or a condominium, or a unit within the stated residential buildings, for terms of less than thirty (30) days at a time through a short-term rental platform.
 - b. **Short-Term Rental, Owner-Occupied.** In accordance with [I.C. 36-1-24-3](#), means property that is the owner's primary residence and is offered to the public as a short-term rental.
 - c. **Short-Term Rental, Not Owner-Occupied.** Is a short-term rental property that is not property owner's primary residence.
2. **Use Standard.**
 - a. A short-term rental of an owner occupied short-term rental property is a permitted residential use without a permit.
 - b. For short-term rental properties that are not owner occupied, a Special Exception is required in accordance with [Sec. 10.2.19. Special Exception](#).
 - c. Short-term rentals shall be operated in accordance with [Indiana State Law](#), and shall be enforced in the same manner that is consistent with similar properties that are not short-term rentals.
 - d. If three (3) or more citations from the City are issued to an owner for a permitted property within a calendar year, the City may revoke the permit for that permitted property for a period of not more than one (1) year after the date the permit is revoked. The City shall provide notice and hold a hearing for revocation in accordance with [Article 10.1. Procedures](#).
 - e. An owner may apply for a permit for a short-term rental for which a previous permit of the owner was revoked. However, a new permit may not be issued until any outstanding fines are paid.

(Ord. [071618F](#), 07/19/2018; Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 5.4.7. Personal Service

A. Personal Service Use Category

Facilities involved in providing personal or repair services to the public. Personal service uses include, but are not limited to, the following uses as examples:

1. Beauty/hair salon.
2. Catering establishment.
3. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat.
4. Copy center.
5. Locksmith.
6. Massage therapy or day spas.
7. Nail salons.
8. Optometrist.
9. Palmist, psychic, medium, fortune telling.
10. Repair of appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch.
11. Tailor, milliner, upholsterer.

B. Crematorium

1. **Defined.** A building or structure, including a holding facility, where human or animal remains are or are intended to be cremated.

C. Funeral Home

1. **Defined.** A building or structure where human remains are prepared and/or held for a funeral or final disposition and where memorial visitation or the viewing of human remains is conducted before or as part of a memorial or funeral service. This definition includes, but is not limited to, funeral parlors, mortuaries, and undertaking establishments.

D. Use Standards for All Personal Service Uses

1. A personal service use in an EN Zoning District is subject to the following:
 - a. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
 - b. The floor area cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater.
 - c. Must be within or attached to a multi-tenant building, cannot be in a standalone building.

(Ord. [071618F](#), 07/19/2018; Ord. [022425F](#), 04/21/2025; Ord. [031626C](#), 04/20/2026)

Effective on: 4/20/2026

Sec. 5.4.8. Restaurant/Bar

A. Restaurant/Bar Use Category

A facility that prepares and sells food and drink for on- or off-premise consumption. Restaurant uses include, but are not limited to, the following uses as examples:

1. Bar, nightclub, tavern, lounge.
2. Eating establishment.
3. Fast food/quick service.

B. Bar, Nightclub, Tavern, Lounge

1. **Defined.** A facility that prepares and sells food and drink that has alcoholic beverage sales more than 70% of the business's total annual sales.

C. Eating Establishment

1. **Defined.** A facility that prepares and sells food and drink that may or may not have alcoholic beverage sales. If allowed in no case can alcoholic beverage sales exceed 70% of the business's total annual sales.

2. Use Standards.

- a. An eating establishment in an EN Zoning District is subject to the following:
 - i. Must be within or attached to a multi-tenant building, cannot be in a standalone building.
 - ii. The floor area cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater.
 - iii. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
 - iv. Drive-thru or drive-in facilities are not allowed.
 - v. Must be located at least 150 feet from an abutting residential zoning district (measured in straight line from the nearest point of the building containing the eating establishment to the boundary line of the abutting residential district).

D. Fast Food/Quick Service

1. **Defined.** Restaurant where food is prepared and available before an order is placed, the meal is paid for prior to consumption, customers often order from a menu board, are served their food at a counter or in a motor vehicle in packages prepared to leave the premises or may be taken to a table or counter to be consumed.
2. **Use Standard.**
 - a. A take-out restaurant under 2,000 square feet gross floor area which sells prepared food shall be entitled to two (2) serving tables or a maximum of eight (8) seating without reclassification as a restaurant for zoning purposes. These tables may be located indoors or on an outdoor patio. When three (3) or more tables are provided, the use shall be deemed a restaurant.
 - b. Drive-up windows, exterior menu boards, and speakers, associated with a restaurant or coffee house, shall be located no closer than 400 feet to any building that is zoned or used for residential purposes.
 - c. Drive-up windows, exterior menu boards, and speakers, associated with a commercial service, that is not a restaurant or coffee house, shall be located no closer than 200 feet to any building that is zoned or used for residential purposes.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 5.4.9. Retail Sales

A. Retail Sales Use Category

Facilities involved in the sale, lease, or rental of new or used products. Retail sale uses include, but are not limited to, the following uses as examples:

1. Antiques, appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, fuel (including gasoline and diesel fuel), furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package good stores (alcohol), package shipping, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, seafood, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vehicle parts and accessories, videos and related products.
2. Art gallery.
3. Brewery, low intensity.
4. Check cashing, payday loan.

B. Brewery, Low Intensity

1. **Defined.** Brewery, low-intensity: An establishment in which the brewing of beer is the ancillary use commonly associated with tap-rooms, tasting-rooms, and/or dining areas which allow on-site consumption. Limitations for manufacturing and distribution of beer are defined by Indiana Law, which may change from time to time. Example business include: brewpub, microbrewery, and nanobrewery.

C. Electric Vehicle Charging

1. Defined.

a. **EV Charging Station (EVCS).** A parking space, or parking spaces, that is, or are, equipped with and served by electric vehicle supply equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle. The most common verbiage to describe different levels of charging are Level 1, 2, and 3, and include the following specifications:

1. Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.
2. Level 2 is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.
3. Level 3 and higher or DCFC (Direct Current Fast Charging) is considered “fast” or “rapid” charging and typically operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations are primarily for commercial and public applications and are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

b. **EV Charging Facility (EVCF).** A facility where electricity is provided directly to the public on the premises for purposes of charging electric vehicles at one or more electric vehicle charging stations. EV Charging Facility may have a combination of different levels of charging. An Electric Vehicle Charging Facility may also retail minor accessories but may not provide other types of vehicle fuel, such as gasoline.

2. **Applicability.** Any new development or redevelopment shall provide the minimum required accessory EV Charging Stations pursuant to [Sec. 6.11.11. Electric Vehicle Charging](#) of the parking development standards.

3. **Permitting.**

- a. The following uses are exempt from applying for a permit for EVCS installation: residential dwelling units that use Level 1 charging or plug Level 2 EVSE equipment into an existing electric outlet inside or outside of the garage. All other developments and redevelopments shall apply for an applicable permit.
- b. All electric upgrades necessary for installing EVCS on site shall be permitted per applicable building and electric code standards.

4. EVCS Use standards:

- a. The accessory EVCS shall be located on the same lot as the primary use.
 - b. **Location.** The EVSE accessory equipment may be located in any yard.
 - c. **Setbacks.** Any EVCS equipment and accessory equipment shall meet the minimum setbacks of the underlying zoning district.
 - d. **Encroachment.** The chargers, accessory equipment, and protective barriers (e.g., bollards) cannot be located more than 2 feet into required landscape area.
 - e. **Signage.** EVCS shall be signed in a clear and conspicuous manner, such as special pavement marking or signage, indicating exclusive availability to electric vehicles.
 1. Exemption. A parking space or garage devoted for the use of a specific dwelling unit and located on the same lot as the dwelling unit is exempt from this requirement.
 - f. **Screening.**
 1. The EVSE accessory equipment must be screened in the same manner as mechanical and utility equipment per [Sec. 6.2.6. Mechanical & Utility Equipment](#).
 2. Where the screening wall/fence span is longer than 40 feet, then in addition to the screening requirements per [Sec. 6.2.6. Mechanical & Utility Equipment](#), 1 evergreen small tree per 10 lineal feet of the screening wall shall be provided.
 3. Exemption. These screening standards are not applicable when EVCS is installed inside of a parking garage.
 - g. EV Parking Space Design Standards. These standards are outlined in [Sec. 6.11.11. Electric Vehicle Charging](#) of the parking development standards.
 - h. Electric Utility Sign-Off. For EVCS spaces that use Level 3 (DCFC) charging, a sign-off letter from an electric utility is required to be submitted with the permit application to show that the utility can provide necessary electric power to the chargers.
5. EVCF Use standards. In addition to the standards for each individual EV charging station stated in this section under [Sec. 5.4.9.C.4. EVCS Use Standards](#), the following shall apply to the EV charging facility:
- a. The circulation of vehicle movement on site shall be designed in a safe way to accommodate vehicle movement without having to go through an EVCS space/bay as well as provide for a safe way for vehicles to move in and out of the EVCS space/bay.
 - b. Each entrance to, and exit from, an EVCS space/bay shall be clearly marked to show the direction of traffic flow by signs and/or pavement markings or raised curbs.
 - c. The width of each charging bay shall be at least 12 feet.
 - d. The length of each charging bay shall be enough to accommodate parking of a vehicle of appropriate size (e.g., semi-truck, bus, etc.).
 - e. Landscaping requirements:
 1. The landscape requirements pursuant to [Article 6.7. Landscaping Standards](#) apply to EVCF.
 2. The parking lot landscaping standards shall apply as required per [Sec. 6.11.4. Parking Area Landscaping](#) except for the following:
 - a. The interior, terminal, and median landscape islands for the regular-sized EVCS parking spaces shall be provided pursuant to [Sec. 6.11.4. Parking Area Landscaping](#).
 - b. The interior, terminal, and median landscape islands for the oversized EVCS bays do not need to follow the requirements listed in [Sec. 6.11.4. Parking Area Landscaping](#) as they relate to the required number, arrangement, and spacing of the said islands. However, landscape islands shall be provided throughout the site to help achieve the required Tree Canopy requirement.

D. Grocery

1. **Defined.** A self-serve retail market selling foods and household merchandise.

E. Special Handling

1. **Defined.** Retail businesses that sell products that require special handling due to risks to public safety. Example businesses include: fireworks sales, gun sales, and hunting stores.

F. Vehicle Fuel Sales

1. **Defined.** Facility where fuel is dispensed and/or other light maintenance activities take place within the building on customer vehicles such as battery replacement, tire installation/repair, and other minor mechanical repairs.
2. **Use Standard.**
 - a. Vehicle fuel sales shall have no more than eight (8), double-sided, vehicle fueling dispensers.
 - b. Vehicle fuel sales shall be screened in accordance with the parking lot landscaping standards cited in Article 6.7. Landscaping Standards.
 - c. Vehicle fuel sales shall be associated with a convenience store with a maximum building footprint of 4,000 square feet.
 - d. Vehicles being serviced shall not be stored outside overnight.
 - e. Kiosks of any kind are prohibited.
 - f. Canopies shall be no taller than 14 feet and shall be architecturally compatible with the primary structure.
 - g. Illuminance under the canopy shall be no more than 300 lucas.

G. Use Standards

1. A retail sales use in an EN Zoning District is subject to the following:
 - a. Must be within or attached to a multi-tenant building, cannot be in a standalone building.
 - b. The floor area of the retail use cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater.
 - c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
 - d. Drive-thru or drive-in facilities are not permitted.
 - e. Vehicle fuel sales, check cashing and payday loan facilities are not permitted.

(Ord. 071618F, 07/19/2018; Ord. 111620B, 12/21/2020; Ord. 022425F, 04/21/2025)

Effective on: 4/21/2025

Sec. 5.4.10. Vehicle Sales/Rental

A. Vehicle Sales Use Category

Direct sales, rental or leasing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Vehicle sale uses include, but are not limited to, the following uses as examples:

1. Boats and other recreational vehicle sales.
2. Vehicle sales, rental or leasing.

B. Use Standards

1. All vehicular display area with frontage on any portion of a street right-of-way (not including an alley) must be screened along the street edge by a 10-foot wide landscape area with a minimum of 30 shrubs every 100 feet. Shrubs must be a minimum of 3 feet 6 inches tall when planted. A decorative block wall equal to the height of the shrubs may be planted in lieu of the shrub plantings.
2. Vehicle displays shall not be artificially elevated above the general topography of the site.
3. In a C3 Zoning District, the sales and leasing of motor vehicles for display shall be conducted within a fully-enclosed building. The outdoor display and storage of vehicles for sale or rental is not be permitted.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Article 5.5. Industrial Uses

Contents:

Sec. 5.5.1. Light Industrial

Sec. 5.5.2. Light Manufacturing

Sec. 5.5.3. Research & Development

Sec. 5.5.4. Self-Service Storage

Sec. 5.5.5. Vehicle Service

Sec. 5.5.6. Warehouse & Distribution

Sec. 5.5.7. Wholesale Trade

Sec. 5.5.1. Light Industrial

A. Light Industrial Use Category

Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Light industrial uses include, but are not limited to, the following uses as examples:

1. Bottling.
2. Brewery, winery.
3. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.
4. Food and beverage products except animal slaughter, stockyards.
5. Lawn, tree or garden service.
6. Laundry, dry-cleaning, and carpet cleaning plants.
7. Leather and leather products except tanning and finishing.
8. Manufactured or modular housing sales.
9. Outdoor storage yard for vehicles.
10. Sheet metal, welding, machine, tool repair shop or studio.
11. Stone, clay, glass, and concrete products.
12. Trailer leasing, auction vehicle, broker vehicle.
13. Woodworking, including cabinet makers and furniture manufacturing.

B. Use Standards

1. **Sales Office and Showrooms.** Sales offices and showrooms for permitted uses shall comply with the following:
 - a. Sales offices and showrooms shall be in the primary structure;
 - b. Used for the sale or display of products manufactured and/or warehoused on site; and
 - c. Clearly incidental, accessory and subordinate to the operation of the primary use of the lot.
2. **Limited Use.** In the EN Zoning District, any light manufacturing shall comply with the following:
 - a. Shall be associated with a secondary use that incorporates light industrial as part of the use of the lot.
 - b. Loading bays and doors are screened from public rights-of-way or utilize architecture consistent with the other buildings on the site (i.e. glass or steel to match facade systems).
 - c. Any materials shipped from facilities in the District must be manufactured within the District.
 - d. The use is not within 1,000 feet of a residential zone.
 - e. The use may not emit sound from the manufacturing operation beyond the walls of the structure.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 5.5.2. Light Manufacturing

A. Light Manufacturing Use Category

A facility conducting light manufacturing operations within a fully-enclosed building. Light manufacturing uses include, but are not limited to, the following uses as examples:

1. Clothing, textile apparel manufacturing.
2. Facilities engaged in the assembly, design, repair or testing of: analyzing or scientific measuring instruments; semiconductor and related solid-state devices, including but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic or optical instruments; and timing instruments.
3. Office showroom/warehouse.
4. Printing, publishing, and lithography.
5. Medical equipment
6. Production of artwork and toys, graphic design sign-making, movie production facility, photo-finishing laboratory.
7. Repair of scientific or professional instruments and electric motors.

B. Use Standards

1. **Limited Use.** In the EN Zoning District, any light manufacturing shall comply with the following:
 - a. Shall be associated with a secondary use that incorporates light industrial as part of the use of the lot.
 - b. Loading bays and doors are screened from public rights-of-way or utilize architecture consistent with the other buildings on the site (i.e. glass or steel to match facade systems).
 - c. Any products shipped from facilities in the District must be manufactured within the District.
 - d. The use is not within 1,000 feet of a residential zone.
 - e. The use may not emit sound from the manufacturing operation beyond the walls of the structure.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 5.5.3. Research & Development

A. Research & Development Use Category

A facility focused primarily on the research and development of new products. Research and development uses include, but are not limited to, the following uses as examples:

1. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 5.5.4. Self-Service Storage

A. Self-Service Storage Use Category

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. Self-service storage uses include, but are not limited to, the following uses as examples:

1. Warehouse, self-service.
2. Fully enclosed indoor multi-story storage.
3. Mini-warehouse.

B. Use Standard

A self-storage facility in the I1 Zoning District is subject to the following:

1. The minimum size of the site is at least two (2) acres.
2. All storage shall be contained within a fully-enclosed building. However, the storage of boats, RV's or other similar vehicles may be permitted in accordance with [Article 6.10. Outdoor Display & Storage Standards](#).
3. A buffer yard in accordance with [Sec. 6.7.5. Buffer Yards](#) must be established along all shared property lines, except for an adjacent self-service storage, light industrial use, or waste-related service.
4. A buffer yard in accordance with [Sec. 6.7.5. Buffer Yards](#) must be established along all property lines abutting a residential use.
5. A 10-foot wide landscape area with a minimum of 30 shrubs every 100 feet must be established along all property lines abutting a public right-of-way. Shrubs must be a minimum of 3 feet 6 inches tall when planted. A decorative block wall equal to the height of the shrubs may be planted in lieu of the shrub plantings.
6. Office or retail space associated with self-service storage facilities may not exceed 1000 square feet.

(Ord. [071618F](#), 07/19/2018; Ord. [031626C](#), 04/20/2026)

Effective on: 4/20/2026

Sec. 5.5.5. Vehicle Service

A. Vehicle Service Use Category

Repair and service to passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Vehicle service uses include, but are not limited to, the following uses as examples:

1. Vehicle repair (minor)
2. Vehicle repair (major).
3. Vehicle repair (commercial vehicle).
4. Car wash.

B. Car Wash

1. **Defined.** Facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of motor vehicles.

2. Use Standards.

- a. Car wash facilities located within 200 feet of a Residential District (determined by a straight line from the property line to the District boundary line) shall meet the following requirements:
 - i. All washing, waxing, machine drying and related activities and operations shall be conducted entirely within an enclosed building (except for vehicular openings a maximum of 12 feet in width) except for vacuuming, hand washing, hand drying and hand waxing of vehicles, the sale of items from vending machines and refuse storage and disposal.
 - ii. No vehicular openings providing access to the enclosed building shall face a residential zoning district. For purposes of this section, the building wall providing access shall be at an angle greater than 60 degrees from a residential zoning district line.
 - iii. All vacuuming and compression machines located outside of the enclosed building shall be of a design that does not exceed a noise level reading of 45 dB(A), as measured from the property line, between the hour of 6 AM to 7 AM and 55 dB(A) at all other lawful hours of operation.
 - iv. Operation of the establishment shall be prohibited prior to 6 AM and after 11 PM on all days of the week. The hours of operation shall be required to be posted on site at a conspicuous location and all the establishment's car wash equipment shall be rendered inoperable always other than during its hours of operation.
- b. Accessory car wash facilities shall be prohibited unless one (1) or more of the following exist:
 - i. Operation of the facility is after 6:00 AM and before 11:00 PM on all days of the week.
 - ii. The car wash is equipped only with fully automatic wash equipment so the driver remains in their car during the entire wash process, and all other outdoor on-site customer activities such as vacuuming is prohibited.

C. Vehicle Repair (Minor)

1. **Defined.** A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, bed-liner installation and glass repair or replacement.
2. **Use Standards.**
 - a. A buffer yard in accordance with [Sec. 6.7.5. Buffer Yards](#) must be established along all property lines abutting a residential use.
 - b. The outdoor overnight storage of vehicles may be permitted in accordance with [Article 6.10. Outdoor Display & Storage Standards](#). Operable vehicles may be parked on-site during business hours.
 - c. There shall be no dismantling of vehicles for salvage.
 - d. The storage of impounded vehicles is not permitted.
 - e. No outside speaker system is permitted.
 - f. In the C2 Zoning District, a maximum of two (2) service bay doors no more than 24 feet in width each are permitted on two (2) sides of the building.
 - g. Service doors shall be closed except for entry and exit of automobiles.

D. Vehicle Repair (Major)

1. **Defined.** A facility where general vehicle repair and service is conducted, including transmission, brake, muffler and tire shops, along with body and paint shops. Major vehicle repair may include minor vehicle repair as an accessory use.
2. **Use Standards.**
 - a. A 10-foot wide buffer yard in accordance with [Sec. 6.7.5. Buffer Yards](#) must be established along all property lines abutting a residential use.
 - b. A 10-foot wide landscape area with a minimum of 30 shrubs every 100 feet must be established along all property lines abutting a public right-of-way. Shrubs must be a minimum of 3 feet 6 inches tall when planted. A decorative block wall equal to the height of the shrubs may be planted in lieu of the shrub plantings.
 - c. The outdoor overnight storage of vehicles awaiting repair may be permitted in accordance with [Article 6.10. Outdoor Display & Storage Standards](#). Operable vehicles may be parked on-site during business hours.
 - d. There shall be no dismantling of vehicles for salvage.
 - e. The storage of impounded vehicles is not permitted.
 - f. No outside speaker system is permitted.

E. Vehicle Repair (Commercial Vehicle)

1. **Defined.** Repair, service, washing, or accessory installation for commercial vehicles, including box trucks, 18-wheelers and construction or other heavy equipment.
2. **Use Standards.**
 - a. A buffer yard in accordance with [Sec. 6.7.5. Buffer Yards](#) must be established along all property lines abutting a residential use.
 - b. The outdoor overnight storage of vehicles awaiting repair may be permitted in accordance with [Article 6.10. Outdoor Display & Storage Standards](#). Operable vehicles may be parked on-site during business hours.
 - c. There shall be no dismantling of vehicles for salvage.
 - d. The storage of impounded vehicles is not permitted.
 - e. No outside speaker system is permitted.

(Ord. [071618F](#), 07/19/2018)

Sec. 5.5.6. Warehouse & Distribution

A. Warehouse & Distribution Use Category

Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and distribution uses include, but are not limited to, the following uses as examples:

1. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store.
2. Bus barn.
3. Commercial packing for fruits and vegetables.
4. Distribution facility, central postal facility.
5. Freight, service facility.
6. Parcel services.
7. Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.
8. Trailer storage, drop off lot.
9. Warehouse.

B. Use Standards

1. A buffer yard in accordance with [Sec. 6.7.5. Buffer Yards](#) must be established along all shared property lines, except for an adjacent self-service storage, light industrial use, or waste-related service.
2. A 10-foot wide landscape area with a minimum of 30 shrubs every 100 feet must be established along all property lines abutting a public right-of-way. Shrubs must be a minimum of 3 feet 6 inches tall when planted. A decorative block wall equal to the height of the shrubs may be planted in lieu of the shrub plantings.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 5.5.7. Wholesale Trade

A. Wholesale Trade Use Category

Facilities involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the public, but sales to the public are not permitted. Products may be picked up on-site or delivered to the customer. Wholesale trade uses include, but are not limited to, the following uses as examples:

1. Mail-order house.
2. Sale or rental of machinery, equipment, heavy equipment, building
3. Materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment and store fixtures.
4. Wholesale sales of food, clothing, auto parts, building hardware and similar products.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Article 5.6. Agricultural and Animal Uses

Contents:

Sec. 5.6.1. Agriculture

A. Agriculture Use Category

The raising and harvesting of trees, vines, seeds, plants and crops, as well as the keeping, grazing or feeding of animals for animal products, animal propagation, or value increase. Agriculture uses include, but are not limited to, the following uses as examples:

1. Animal raising including horses, chickens, ducks, goats, sheep, cows, or other animals as determined by the Director.
2. Community garden.
3. Crop production, soil preparation, agricultural services, large animal and veterinary services, farm labor and management services, research farm.
4. Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silvicultural, sale of agriculture products.
5. Grain, fruit, field crop and vegetable cultivation and storage.
6. Livestock, horse, dairy, poultry and egg products.
7. Plant nursery.
8. Urban farm.

B. Community Garden

1. **Defined.** Areas of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption, or donation. They may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by the group.
2. **Use Standards.**
 - a. A community garden shall be primarily used for growing and harvesting food crops and ornamental crops, for consumption or donation or for sale off-site.
 - b. On-site sales are not permitted in the Residential Districts. On-site sales may be permitted in the Mixed-Use Districts.
 - c. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or accessory greenhouse structures are permitted, subject to compliance with the requirements of the [Article 6.2. Accessory Structure Standards](#).
 - d. If security fencing is installed, such fencing shall be of an open design.
 - e. If lighting is installed, only motion-detecting fixtures shall be permitted. All-night lighting is prohibited.
 - f. Community gardens shall be managed and maintained in compliance with all applicable standards of this UDO and the City Code, including but not limited to those pertaining to: nuisance abatement, stormwater, site accessibility, signage, soil erosion and sedimentation control and any required tree conservation and landscaping.

C. Personal Garden Use

1. **Defined.** A private facility or area for the cultivation of vegetables, grasses, fruits, flowers, shrubs, vines, and trees as an accessory use by a resident or occupant of the site whether it be for purposes of producing food or materials. This definition does not include high weeds and grass, nor does it include farming or beekeeping for commercial purposes.

D. Plant Nursery

1. **Defined.** A facility where horticultural and agricultural products produced on the premises are sold.
2. **Use Standards.**
 - a. Sales shall be limited to agricultural products produced on the premises, hand-held garden tools, bags of fertilizer, mulch, and similar items normally associated with nursery or gardening operations.
 - b. Sales offices shall be limited to 100 square feet of gross floor area per acre of land area, but in no case, can the sales office exceed 1,000 square feet of gross floor area.
 - c. No more than one (1) on premise sign not to exceed 12 square feet in area and 3½ feet in height.

E. Produce Stand

1. **Defined.** A produce stand permits the itinerant sale of agricultural produce and home-made food goods on a property without a permanent structure or improvements.
2. **Use Standards.**
 - a. Sales shall be limited to agricultural produce not exceeding a maximum of 2,000 square feet per lot (not including areas devoted to driveways and off-street parking). In addition to the sales of agricultural produce, up to 25% of the produce stand area may be devoted to the sales of homemade food goods such as baked goods, jams and relishes. For produce stands not removed from the lot daily, the use shall be limited to a maximum of eight (8) months per calendar year.
 - b. Produce stands locating within a Residential District shall be required to locate on the property with an institutional building or use (such as a place of worship or school), or within the common area of an apartment building.
 - c. Tents, stands, signs or other related structures shall provide a minimum 10-foot setback from all property lines and public rights-of-way and shall comply [Article 6.20. Vision Clearance Standards](#).
 - d. One (1) off-street parking space shall be provided for every 200 square feet of area devoted to the produce stand activities, but no less than three (3) parking spaces. Areas devoted to off-street parking shall be oriented to provide for safe pedestrian and vehicular circulation and arranged so that vehicular ingress and egress to the parking areas is by forward motion of the vehicle. Produce stands shall be exempt from the parking surfaces requirements and the required landscaping regulations.
 - e. Signage for all produce stand activities on the premise shall be limited to one (1) unlit sign not to exceed 12 square feet in area and 3½ feet above the ground elevation.
 - f. All activities shall be discontinued by 8:00 PM when located in a Residential District.
 - g. No code-required landscape planting areas shall be utilized in association with the produce stand activities and no unauthorized encroachments on public rights-of-way shall be permitted.
 - h. A plan that shows the location of all tents, produce stands, driveways, off-street parking, traffic circulation, signs, or other related structures shall be submitted to the City for approval, and a Temporary Use Permit shall be issued prior to any event taking place.

F. Urban Farm

1. **Defined.** The raising and harvesting of trees (excluding forestry), vines, seeds, plants and crops, as well as the keeping, grazing or feeding of animals for animal products, animal propagation, or value increase when located in an urbanized (developed) area. An urban farm may be owned by an individual, group or organization and may include intensive agriculture, typical large-scale farm equipment, and animal husbandry.

(Ord. [071618F](#), 07/19/2018; Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 5.6.2. Animal Uses

A. Beekeeping.

1. **Intent.** The intent of this Section is to regulate beekeeping in accordance with [State Law I.C. 36-1-28-1](#).
2. **Use Standards.** Beekeeping for personal use and not for agricultural use shall comply with the following standards:
 - a. The maximum number of hives permitted per property shall be as follows:
 1. Two (2) hives for properties that are up to 6,000 square feet.
 2. Four (4) hives for properties greater than 6,000 square feet up to 16,000 square feet.
 3. Six (6) hives for properties greater than 16,000 square feet up to 25,000 square feet.
 4. Eight (8) hives for properties greater than 25,000 square feet.
 - b. No bee colony shall be kept in a hive that exceeds 12 cubic feet.
 - c. Bee hives may be located on the ground or on the roof of any building with a permanent foundation.
 - d. Hives on the ground may not be located in the front yard.
 - e. Hives must be setback a minimum of 15 feet from any property line.
 - f. For any colony exhibiting overly-defensive behavior, the beekeeper should take immediate mitigating action(s). The beekeeper should also take mitigating action(s) to prevent swarming. This may require a beekeeper to split a hive. This split may be kept temporarily in one (1) additional nucleus hive in case the parent hive fails to make a new queen or in case the parent hive fails during winter.
 - g. It is highly recommended that at least one (1) swarm trap be provided where bees are kept.
 - h. If the hives are clearly seen from sidewalks, pathways, or adjacent neighbors, it is highly recommended that a 6-foot barrier such as a fence or landscaping hedge be installed.
 - i. If the hives cannot be concealed from sight or easy access, it is highly recommended that each hive have a sticker placed on them or sign installed indicating that there are live bees inside them.

B. Keeping of Domestic Farm Animals

1. **Purpose.** The intent of this Section is to permit the use and enjoyment of horses and farm animals at rates that are appropriate for the health, welfare, and safety of the animals, neighboring property owners, and the public. This type of agriculture use should also be conducted in a manner that protects the values and aesthetic of the community.
2. **Defined.** Any animal commonly used, raised, and maintained for, or in support of, the production of food or other products. Domestic farm animals shall not include domestic pets as defined elsewhere in this Ordinance. Examples of domestic farm animals shall include, but are not limited to cows, sheep, goats, pigs, chickens, llamas, etc. Domestic farm animals are also referred to "farm animals" in the UDO .
3. **Use Standards.**
 - a. Horses: The keeping of horses is permitted in the AG, ER, OS, and R1 Zoning Districts only, provided the following requirements are met:
 1. The keeping of horses requires a minimum lot area of two (2) acres for the first horse and one (1) additional acre per horse is required thereafter.
 2. Pasture area shall comply with the following:
 - a. All pasture areas shall be properly fenced, to prevent the escape of animals from the property.
 - b. Pasture areas may be in the front yard provided the fence height does not exceed five (5) feet.
 - c. No horse shall be allowed to run at large except within a fenced pasture area.

b. Domestic Farm Animals:

1. The keeping of farm animals such as chickens, ducks, goats, sheep, cows, or other animals as determined by the Director, may be permitted on a property of at least five (5) acres in the AG, ER and OS Zoning Districts. Properties in the ER Zoning District are permitted farm animals at a rate of three-fourths (0.75) farm animal unit (FAU) per acre. Properties in the AG and OS Zoning District are permitted farm animals at a rate of one (1) FAU per acre. Following any per acre calculation for a property any fractional FAU maximum shall be rounded down for fractional units ending in .49 or less and rounded up for fractional units ending in .5 or higher.
2. Farm animals shall be divided into two (2) categories, large farm animals and small farm animals. Each large farm animal shall be equivalent to one (1) FAU. Three (3) small farm animal shall be equivalent to one (1) FAU. Farm animals who are or have not reached mature adulthood shall not count against the farm animal quantity regulations of this section.
3. Structures, kennels, stalls, coops, pens, and other elements that house farm animals and the immediate surrounding property controlling the movement of those farm animals shall be considered confinement areas and limited in size. Confinement areas shall be limited to 10% coverage of the total lot area of the property. Confinement areas shall not be in an established front yard. Grazing areas or pastures for controlling the movement of large grazing type farm animals and horses shall not be regulated by these requirements. Fence requirements shall be the same as required by in Article 6.18. Wall & Fence Standards.
4. Confinement areas in the AG Zoning District shall be a minimum of 200 feet from the property line, confinement areas in the ER Zoning District shall be a minimum of 100 feet from the property line, unless the subject property is located adjacent to a similar land use, in which case the minimum setback requirements for the zoning district apply. In a case where a lot was in existence at the time of adoption of this UDO, and, when that property cannot meet such setback requirements, due to lot width, lot shape, and/or lot configurations, the Director may consider a less stringent setback. This determination may be made in exchange for additional screening measures, when it is determined that there will not be a negative effect on the neighboring residential properties. Following a decision to approve, the Director shall give notice to all adjacent properties via first class mail. Any resident may appeal the decision to the Board. Pastures containing large grazing type farm animals and horses shall not be considered confinement areas and may be located no closer than 10 feet from an adjacent residentially zoned property (this does not apply to pastures in existence at the time of adoption of this UDO). The Director may make determinations concerning the classifications of farm animal species which are not directly noted in this UDO. However, under no circumstance shall swine or poultry be considered large grazing type farm animals.
5. The Director may approve an exemption from this section to allow the keeping of chickens or other fowl animals for public or private schools as part of an educational curriculum. The number of chickens or fowl animals shall be reviewed and approved by the Director. The chickens or fowl animals must be located on school property and shall be removed if the City determines there is a public nuisance due to this exemption.

C. Keeping of Domestic Pets

1. **Defined.** Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.
2. **Use Standards.**
 - a. The keeping of domestic pets shall not be done for profit.
 - b. The keeping of domestic pets shall not be construed as a kennel.

D. Kennel

1. **Defined.** A facility where any person engages in a business involving boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats, or other domestic animals with some activities. This use does not include any operation meeting the definition of a Confined Feeding Operation (CFO) or Concentrated Animal Feeding Operation (CAFO) under Indiana statutes.

2. Use standards:

a. **Building.** The parts of a building where animals are services shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.

b. Outdoor areas.

1. No part of an outdoor animal care or run area shall be closer than 200 feet from any property line abutting a residential zoning district or use, except property owned or occupied by an owner or operator.

2. **Fence.** The entire perimeter of the outdoor kennel area shall be enclosed with an opaque fence that meets the following standards:

a. Minimum depth underground: 12 inches.

b. Minimum height: Seven (7) feet from grade.

c. Minimum fence setback: 20 feet from any adjoining property line.

3. **Landscape Buffer.** Where a kennel operation abuts a residential zoning district or use, a minimum of one (1) evergreen shrub/tree with a mature height of at least ten (10) feet shall be planted and spaced no more than six (6) feet on center along the entire length of the shared property line.

E. Pet Grooming

1. **Defined.** A facility where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. This use does not include the overnight boarding of animals.

2. Use Standards:

a. The parts of a building where animals are serviced shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.

F. Veterinary Clinic

1. **Defined.** A facility involved in the care, diagnosis, medical treatment, or surgery of the animals. This use does not include a "Kennel," and overnight boarding of animals shall only be permitted when incidental to such medical treatment and limited to short periods of time.

2. **Use Standards:** The parts of a building where animals are serviced shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.

(Ord. [022425F](#), 04/21/2025)

Effective on: 4/21/2025

Article 5.7. Accessory Uses

Contents:

Sec. 5.7.1. General

Sec. 5.7.2. Standards for Specific Accessory Uses

Sec. 5.7.1. General

A. Accessory uses are permitted in conjunction with allowed primary uses. Allowed accessory uses include those listed in this Article and additional accessory uses that, as interpreted by the Director, meet the following:

1. Are clearly incidental to and customarily found with the primary allowed use;
2. Are subordinate to and serving the primary allowed use;
3. Are subordinate in area, extent and purpose to the primary use served;
4. Contribute to the comfort, convenience or needs of occupants, business or industry on the lot that the primary use is served; and
5. Are located on the same lot as the primary building or use served.

B. No accessory use may be established on a lot prior to the establishment of a permitted primary use.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 5.7.2. Standards for Specific Accessory Uses

A. Caretaker's Residence

A single dwelling unit as a residence for a caretaker or watchman accessory to a permitted use is permitted in all zoning districts other than residential zoning districts.

B. Drive-Through

Drive-through service is enabled in appropriate locations to improve service to customers, protect the public from contagion, and promote economic development, while also reduce the negative impacts that it may create by reducing the noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow.

1. **Defined:** An accessory feature of an establishment including service units and stacking spaces that permits customers to receive services or obtain goods while remaining in or on a motor vehicle (e.g., food and beverage establishments, banking terminals, pharmacy pickup, and other similar uses commonly referred to as drive-up, drive-through, or take-out). This definition excludes gasoline service stations, drive-in theatres, and drive-in restaurants where orders are taken, and food delivered to a motor vehicle that remains in a parking space.

2. **Applicability.** The following standards apply for all uses with vehicle stacking and/or drive-through facilities.

3. Use Standards:

- a. Drive-through facilities, including windows and other related features, should be architecturally compatible with the building architecture.
- b. To protect the building from vehicle damage, the bollards shall be installed adjacent to the service window(s).
- c. Drive-through lanes and accompanying equipment that produces noise shall be located at least 400 feet from any building that is zoned or used for residential purposes.
- d. Sound emitted from any drive-through window, exterior menu board(s), speakers and any other sound devices used to communicate with the clients should be limited to a noise level up to 50 dB at the closest property line abutting a residential use or zoning district (existing or approved).

e. **Parking.** Drive-throughs shall follow the minimum parking design standards in [Sec. 6.11.12. Drive-Through Design Standards](#).

f. **Signage.** Sign regulations specific to drive-throughs are in [Sec. 6.17.9. Other Sign Types](#).

C. Home Occupation

1. **Defined.** An occupation that provides a service or product that is conducted wholly within a residential dwelling in a residential zoning district as an accessory use that does not change the residential character of the property or neighborhood. Examples of permitted home businesses can include, but are not limited to, the following:
 - a. Art Studio.
 - b. Beauty Salon (one chair operated by a resident).
 - c. Business conducted entirely by mail and/or web-based.
 - d. Seamstress or tailor.
 - e. Home schools for 12 or less full-time or part-time children including residents of the home.
 - f. Professional office of a clergyman, lawyer, architect, accountant, counselor, or consultant.
 - g. Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, if the work is entirely within the dwelling and performed by members of the family living in the dwelling.
 - h. Teaching (e.g., musical instruments or dancing) for six (6) or less individuals at one time.
 - i. Childcare home in accordance with [I.C. 36-7-4-1108](#).
2. **Use Standard.** All home occupations shall comply with the following standards:
 - a. The resident operating the home occupation must use the residential dwelling as their primary place of residence. Only residents of the subject residential dwelling may operate, engage in, or conduct the home-based business. Nonresidents are not allowed to work at the subject residential dwelling where a home occupation is being conducted.
 - b. There shall be no signs, displays, outdoor storage, or other exterior evidence of business activity. Neither the dwelling nor the lot shall be altered in appearance so that it appears other than a residence, either by color, materials, construction, lighting, sounds, vibrations, or other characteristics.
 - c. A home occupation shall be conducted only within the enclosed living area of the dwelling unit or within the garage, provided no garage space required for off-street parking is used. The home-based business shall not occupy more than 25% of the combined floor area of the house and garage.
 - d. No business storage or warehousing of material, supplies or equipment is permitted outdoors.
 - e. The home occupation shall not involve manufacturing operations.
 - f. No equipment, vehicle or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference, or result in a change in the fire-safety class or occupancy classification of a residential structure or which otherwise violates any law.
 - g. Only one (1) vehicle used for the home occupation shall be parked or stored on the premises; provided, however, the vehicle must not be a bus, truck, van, trailer or other vehicle over 6,000 lbs., as listed on the vehicle registration form.
 - h. The requirements for shipping and receiving of materials for the business does not create excessive noise or traffic.
3. **Structural Improvements.**
 - a. There shall be no room additions, enlargements, structural, or exterior aesthetic alterations that change the residential character of the dwelling or property.
 - b. There shall be no exterior, structural, or aesthetic alterations to the dwelling to accommodate the home business that would affect the interior of the dwelling and would render it undesirable for residential use or habitation.
 - c. There shall be no additional or separate exterior entrances to the dwelling for conducting business or to accommodate the home business.
4. **Nuisances.** No home business shall cause a nuisance as defined by [Sec. 5.1.6. General Health & Maintenance Standards](#).

5. **Appeals.** Any use claimed as a home occupation may be deemed not permitted if, in a public hearing on the matter, the Board of Zoning Appeals rules the use to be a nuisance or that it does not comply with this Section. The Director or any person reasonably affected by the home occupation may request such a hearing in accordance with [Sec. 10.2.3. Appeal of Administrative Determination.](#)

D. Keeping of Domestic Farm Animals

1. **Purpose.** The intent of this Section is to permit the use and enjoyment of horses and farm animals at rates that are appropriate for the health, welfare, and safety of the animals, neighboring property owners, and the public. This type of agriculture use should also be conducted in a manner that protects the values and aesthetic of the community.
2. **Defined.** Any animal commonly used, raised, and maintained for, or in support of, the production of food or other products. Domestic farm animals shall not include domestic pets as defined elsewhere in this Ordinance. Examples of domestic farm animals shall include, but are not limited to cows, sheep, goats, pigs, chickens, llamas, etc. Domestic farm animals are also referred to "farm animals" in the UDO

3. Use Standards.

- a. Horses: The keeping of horses is permitted in the AG, ER, OS, and R1 Zoning Districts only, provided the following requirements are met:
 - i. The keeping of horses requires a minimum lot area of two (2) acres for the first horse and one (1) additional acre per horse is required thereafter.
 - ii. Pasture area shall comply with the following:
 - a) All pasture areas shall be properly fenced, to prevent the escape of animals from the property.
 - b) Pasture areas may be in the front yard provided the fence height does not exceed five (5) feet.
 - c) No horse shall be allowed to run at large except within a fenced pasture area.
- b. Domestic Farm Animals:
 - i. The keeping of farm animals such as chickens, ducks, goats, sheep, cows, or other animals as determined by the Director, may be permitted on a property of at least five (5) acres in the AG, ER and OS Zoning Districts. Properties in the ER Zoning District are permitted farm animals at a rate of three-fourths (0.75) farm animal unit (FAU) per acre. Properties in the AG and OS Zoning District are permitted farm animals at a rate of one (1) FAU per acre. Following any per acre calculation for a property any fractional FAU maximum shall be rounded down for fractional units ending in .49 or less and rounded up for fractional units ending in .5 or higher.
 - ii. Farm animals shall be divided into two (2) categories, large farm animals and small farm animals. Each large farm animal shall be equivalent to one (1) FAU. Three (3) small farm animal shall be equivalent to one (1) FAU. Farm animals who are or have not reached mature adulthood shall not count against the farm animal quantity regulations of this section.
 - iii. Structures, kennels, stalls, coops, pens, and other elements that house farm animals and the immediate surrounding property controlling the movement of those farm animals shall be considered confinement areas and limited in size. Confinement areas shall be limited to 10% coverage of the total lot area of the property. Confinement areas shall not be in an established front yard. Grazing areas or pastures for controlling the movement of large grazing type farm animals and horses shall not be regulated by these requirements. Fence requirements shall be the same as required by in Article 6.18. Wall & Fence Standards.
 - iv. Confinement areas in the AG Zoning District shall be a minimum of 200 feet from the property line, confinement areas in the ER Zoning District shall be a minimum of 100 feet from the property line, unless the subject property is located adjacent to a similar land use, in which case the minimum setback requirements for the zoning district apply. In a case where a lot was in existence at the time of adoption of this UDO, and, when that property cannot meet such setback requirements, due to lot width, lot shape, and/or lot configurations, the Director may consider a less stringent setback. This determination may be made in exchange for additional screening measures, when it is determined that there will not be a negative effect on the neighboring residential properties. Following a decision to approve, the Director shall give notice to all adjacent properties via first class mail. Any resident may appeal the decision to the Board. Pastures containing large grazing type farm animals and horses shall not be considered confinement areas and may be located no closer than 10 feet from an adjacent residentially zoned property (this does not apply to pastures in existence at the time of adoption of this UDO). The Director may make determinations concerning the classifications of farm animal species which are not directly noted in this ODO. However, under no circumstance shall swine or poultry be considered large grazing type farm animals.
 - v. The Director may approve an exemption from this section to allow the keeping of chickens or other fowl animals for public or private schools as part of an educational curriculum. The number of chickens or fowl animals shall be reviewed and approved by the Director. The chickens or fowl animals must be located on school property and shall be removed if the City determines there is a public nuisance due to this exemption.

E. Keeping of Domestic Pets

1. **Defined.** Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.
2. **Use Standards.**
 - a. The keeping of domestic pets shall not be done for profit.
 - b. The keeping of domestic pets shall not be construed as a kennel.

F. Nonresidential Accessory Service

1. **Defined.** A nonresidential accessory use located within a building containing a permitted nonresidential principal use in the EN Zoning District. Allowed accessory uses are limited to eating establishment, laundry or dry-cleaning pickup, flower shop, gift shop, newsstand, catalog office supply sales or other service use.
2. **Use Standard.**
 - a. The accessory use must be in a building with a minimum of 30,000 square feet of gross floor area. The accessory use may locate in a smaller building provided all the buildings on the same lot contain a minimum gross floor area of 30,000 square feet.
 - b. The gross floor area of all accessory uses can be no more than 10% of the building or all buildings on the same lot, and in no case, more than 20% of the floor area gross of the building within which it is located.
 - c. In a multi-tenant building, one (1) tenant may use the full 10% of the building floor area for an accessory use, and such tenant is not restricted in its application to 10% of its lease area.
 - d. No more than 3,000 square feet is permitted for any (one) 1 accessory use in the EN and MA Districts.
 - e. The primary entrance to the accessory use must be internal to the main building.
 - f. The display of products and activity of the accessory use must not be visible from outside the building.
 - g. No drive-thru or drive-in facilities are allowed.
 - h. No accessory use can operate before 8 AM or after 6 PM, unless the routine hours of operation within more than 50% of the floor area within the building in which the facility is located is operational either before 8 AM or after 6 PM.
 - i. The signage and location must not be designed to attract clientele from outside the building or lot within which the use is sited.

G. Outdoor Dining for Eating Establishments

1. Outdoor dining areas shall be adjacent to their tenant space.
2. Outdoor dining shall be accessed through the primary tenant space.
3. The dining area shall be enclosed by a fence or wall enclosure that is complementary to the architecture of the primary structure and shall be no less than 30 inches and no more than four (4) feet tall.
4. To maintain a six-foot (6') wide sidewalk in accordance with Article 6.12. Pedestrian Accessibility Standards, a wider sidewalk shall be installed to meet that development standard.

H. Recreational Use Related to a Residential Development

1. Recreational use is limited to the following facilities: clubhouse, docks, exercise rooms, game and craft rooms, gymnasiums, party and reception rooms, bicycle paths, pedestrian and equestrian trails, picnic areas, play courts, such as basketball, racquetball, and tennis courts, golf courses, driving ranges, play fields, playgrounds, sauna baths, swimming pools and tanning facilities.
2. These uses are allowed only as part of a residential development or subdivision, a compact development, a conservation development, a manufactured home development, or a congregate care facility. Such uses may be located outside of the boundaries of the development, if:
 - a. The lot is owned by the development (through its homeowners' association or other similar mechanism); and
 - b. The lot adjoins the development for at least 50% of its perimeter; or
 - c. The lot is located across a street or other right-of-way for at least 50% of its perimeter.
 - d. No active recreational use (e.g. playing field, playground, swimming pool, etc.) shall be located within 25 feet of any residential use property line.
 - e. Athletic structures other than buildings (e.g. basketball goals, pools, tennis courts, etc.) shall be no closer than 100 feet to any property line or right-of-way.
 - f. Lighted playing fields will be held to the standards in [Article 6.5. Exterior Lighting Standards](#).
 - g. Park buffering may incorporate pedestrian access points where access in and out of the park would be beneficial to nearby residents.
 - h. Special care as it relates to any negative impacts (such as noise, traffic, etc.) shall be noted when locating specialty parks (such as dog parks and skate parks) in residential areas.
 - i. Neighborhood parks and pocket parks less than two (2) acres in area do not have to provide off-street parking.
 - j. A golf course A golf course in a residential zoning district is subject to the following:
 - i. Portable toilets, outhouses, and structures of the like, as well as vending machines shall not face an adjacent property and shall be screened using either wood fencing or masonry wall height on at least three (3) sides and shall incorporate landscaping around the fence or wall in a manner that increases aesthetics. Landscaping shall include at least one (1) shrub per four (4) feet of fence or wall length.
 - ii. The nearest edge of any fairway or green may be no closer than 150 feet to any property line, and no closer than 100 feet to any right-of-way.
 - iii. Tee-boxes and greens shall be oriented away from adjacent properties and external roadways.
 - iv. Miniature golf is not permitted in a residential zoning district.

I. Residential Accessory Service

1. **Defined.** A nonresidential accessory use located within an apartment or townhouse development or assisted living facility.
2. **Use Standard.**
 - a. Allowed accessory uses are limited to eating establishment, beauty or barber shop, laundry or dry-cleaning pickup, drug store, flower shop, gift shop or newsstand. Does not include an adult establishment.
 - b. The gross floor area of all accessory uses shall not exceed more than 25% of the dwelling unit.
 - c. In no case, shall the accessory use occupy more than 50% of the building gross floor area or 2,000 square feet, whichever is less (except that laundry facilities shall be excluded from this maximum floor area).
 - d. The primary entrance to the accessory use must be internal to the main building.
 - e. The display of products and activity of the accessory use must not be visible from outside the building.
 - f. No drive-thru or drive-in facilities are allowed.
 - g. The signage and location must not be designed to attract clientele from outside the building or lot within which the use is sited.

(Ord. 071618F, 07/19/2018; Ord. 081919D, 08/19/2019; Ord. 121619C, 12/16/2019; Ord. 121922E, 01/17/2023; Ord. 022425F, 04/21/2025; Ord. 031626C, 04/20/2026)

Effective on: 4/20/2026

Article 5.8. Temporary Uses

Contents:

Sec. 5.8.1. General

Sec. 5.8.2. Permit Required

Sec. 5.8.1. General

- A. A Temporary Use Permit is intended to allow for the short-term placement of activities, many of which would be not allowed on a permanent basis. The following regulations govern temporary uses.
- B. Only one (1) temporary use may exist on any lot or lots used in combination at any given time unless otherwise specifically permitted elsewhere in this UDO.
- C. Temporary uses shall not be located wholly or partially in the public right-of-way.
- D. Any structure associated with a temporary use may require compliance with the Building Code.
- E. A Landscaping Plan shall be submitted for any temporary use with ancillary structures (e.g. portable restroom facilities, trash receptacles, or trailers) that will be installed for more than six (6) months. Screening shall be provided for each of the ancillary structures.
- F. No public-address systems or other sound-amplifying devices shall be permitted in conjunction with a temporary use.
- G. All temporary uses and associated temporary structures shall be removed and the original site restored to its original condition within the duration of the Temporary Use Permit.
- H. Cumulatively, all Temporary Use Permits issued on a lot shall not exceed 120 days per calendar year, or 90 days consecutively, unless otherwise noted.

- I. Every approved temporary use shall be fully contained within 12 feet of the front and/or side facade of the primary structure, or be in a parking area where:
 - 1. The minimum required parking spaces are available on site for the combined uses, temporary and permanent, as per [Article 6.11. Parking & Loading Standards](#). Temporary use parking shall require one (1) space per 250 square feet of indoor and outdoor space;
 - 2. No handicapped parking spaces shall be obstructed or rendered unusable;
 - 3. Vehicular or pedestrian circulation shall not be adversely affected; and
 - 4. The temporary use shall be enclosed by a temporary structure or surrounded by a view-through fence (at least 50% opaque);
- J. The maximum area dedicated to a temporary use shall be 10% of the gross main floor area of the primary structure or tenant space to which the temporary use is associated. This allotment shall not be interpreted to be the combination of two (2) or more tenant spaces.
- K. All sidewalks and ramps shall be maintained as per the ADA regulations.
- L. Temporary outdoor sales of anything explosive or hazardous are not permitted under any circumstances.
- M. Temporary classrooms in conjunction with a public or private school, or a religious institution are permitted.
- N. Any temporary signs associated with a temporary use shall require a Temporary Sign Permit and is limited to the current standards of the [Article 6.17. Signage Standards](#).

(Ord. [071618F](#), 07/19/2018; Ord. [121922E](#), 01/17/2023)

Effective on: 1/17/2023

Sec. 5.8.2. Permit Required

The following temporary uses are allowed subject to approval of a Temporary Use Permit issued in accordance with [Sec. 10.2.22. Temporary Use Permit](#).

A. Construction Trailer

- 1. Once the Temporary Use Permit for the construction trailer has been issued, the construction trailer may be located on the site to be developed up to three (3) weeks prior to the start of site improvements and shall be removed when the last full Certificate of Occupancy has been issued for the development, or within 48 months, whichever is less, or until the site has been wholly inactive for a period of 12 months.
- 2. All construction trailers shall be located within the development for which the construction trailer has been established.
- 3. Construction trailers shall successfully pass all applicable inspections (e.g. electrical, fire) and apply for and receive a Certificate of Occupancy prior to the commencement of the use.

B. Institutional Temporary Uses

- 1. Every institutional use that wishes to have a temporary use (e.g. seasonal outdoor sales, temporary outdoor displays of merchandise, tent sales, and special sales) must receive an independent Temporary Use Permit for each such use.
- 2. Private or institutionally sponsored festivals are allowed on places of worship or school properties without a Temporary Use Permit.
- 3. Portable Classrooms.
Portable Classrooms requires a Temporary Use Permit. Portable Classrooms are permitted for no more than two (2) years.

C. Produce Stand

1. **Defined.** A produce stand permits the itinerant sale of agricultural produce and home-made food goods on a property without a permanent structure or improvements.

2. Use Standards.

- a. Sales shall be limited to agricultural produce not exceeding a maximum of 2,000 square feet per lot (not including areas devoted to driveways and off-street parking). In addition to the sales of agricultural produce, up to 25% of the produce stand area may be devoted to the sales of homemade food goods such as baked goods, jams and relishes. For produce stands not removed from the lot daily, the use shall be limited to a maximum of eight (8) months per calendar year.
- b. Produce stands locating within a Residential District shall be required to locate on the property with an institutional building or use (such as a place of worship or school), or within the common area of an apartment building.
- c. Tents, stands, signs or other related structures shall provide a minimum 10-foot setback from all property lines and public rights-of-way and shall comply [Article 6.20. Vision Clearance Standards.](#)
- d. One (1) off-street parking space shall be provided for every 200 square feet of area devoted to the produce stand activities, but no less than three (3) parking spaces. Areas devoted to off-street parking shall be oriented to provide for safe pedestrian and vehicular circulation and arranged so that vehicular ingress and egress to the parking areas is by forward motion of the vehicle. Produce stands shall be exempt from the parking surfaces requirements and the required landscaping regulations.
- e. Signage for all produce stand activities on the premise shall be limited to one (1) unlit sign not to exceed 12 square feet in area and 3½ feet above the ground elevation.
- f. All activities shall be discontinued by 8:00 PM when located in a Residential District.
- g. No code-required landscape planting areas shall be utilized in association with the produce stand activities and no unauthorized encroachments on public rights-of-way shall be permitted.
- h. A plan that shows the location of all tents, produce stands, driveways, off-street parking, traffic circulation, signs, or other related structures shall be submitted to the City for approval, and a Temporary Use Permit shall be issued prior to any event taking place.

D. Sales Office or Model Home

1. Model homes shall comply with [Article 6.3. Architectural Design Standards](#).
2. In addition to a Temporary Use Permit, a [building permit](#) is required to construct the model home.
3. A Temporary Use Permit for a sales office or model home is valid from [subdivision](#) release for issuance of building permits until the last full Certificate of Occupancy is issued.
4. Sales offices and model homes shall be located on a lot in the development in which the homes are for sale.
5. Sales offices and model homes shall be located on [streets](#) that have been asphalted and curbed; and are free of mud and debris.
6. A flow tested and charged fire hydrant shall be within 500 feet of two (2) or more sales offices or model homes prior to the issuance of a Certificate of Occupancy. Evidence of flow testing from a qualified agency shall be provided.
7. Signage shall be limited to the current standards for temporary model home signs in the [Article 6.17. Signage Standards](#).
8. Hours of operation shall be limited to between 7:00 AM and 9:00 PM daily.
9. The [facility](#) shall not be used for any purpose other than the sales and demonstration of homes in that subdivision.
10. A minimum of four (4) off-street parking spaces shall be in place at a model home for employees and potential buyers. Model homes may use a standard driveway, [garage](#) and/or an off-street parking area (gravel or asphalt) to accommodate parking.
11. Model homes shall successfully pass all applicable inspections (e.g. electrical) and apply for and receive a Certificate of Occupancy prior to the commencement of the use.
12. Skirting is required on all sales trailers to be installed for six (6) months or longer.

E. Special Events

1. Special events on nonresidential properties may be permitted and require a Temporary Use Permit. The following guidelines shall also apply:
 - a. All signs, balloons, streamers, and decoration must be placed on the property of which the permit is approved.
 - b. No signs shall be placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not apply to lettering on vehicles operating during the normal course of business.
 - c. No sign shall be placed within the [right-of-way](#) of any [public street](#) without the approval of the City.
 - d. A Sign Permit is required per [Sec. 10.2.18. Sign Permit](#).
2. **Grand Openings.** A Temporary Use Permit may be permitted for a onetime grand opening for new businesses. This Temporary Use Permit may be granted for a 17-day period with no fees. The following guidelines shall apply:
 - a. All signs, balloons, streamers, and decoration must be placed on the property of which the permit is approved.
 - b. No signs shall be placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not apply to lettering on vehicles operating during the normal course of business.
 - c. No sign shall be placed within the right-of-way of any public street without the approval of the City.
 - d. A Sign Permit is required per [Sec. 10.2.18. Sign Permit](#).

F. Temporary Off-street Parking

1. Any temporary off-street parking installed for a construction trailer, sales trailer or model home shall be removed when the sales office is removed. The site shall be restored to character consistent with the development.

G. Temporary Trash Receptacle and Temporary Storage Units

1. Temporary trash receptacles and temporary storage units (e.g. PODS) are permitted on any lot or lots used in combination as follows:
 - a. A maximum of seven (7) consecutive days without a Temporary Use Permit, on nonresidential lots.
 - b. A maximum of 30 calendar days per calendar year with a Temporary Use Permit, on nonresidential lots.
 - c. A maximum of 30 calendar days per calendar year (consecutive or otherwise) without a Temporary Use Permit, on residential lots or at the discretion of the Director.
 - d. If a valid building permit is active, temporary trash receptacles and temporary storage unit may be utilized on site until the Certificate of Occupancy is issued, or within 48 months, whichever is less, or until the site has been wholly inactive for a period of 12 months.
 - e. Temporary trash receptacles and storage units shall not be allowed in the public right-of-way, unless a permit is approved by the Department of Engineering.

H. Temporary Uses in Residential Districts

1. **Garage/Yard Sale.** Garage/yard sales are permitted for a total of eight (8) days per calendar year, per lot without a Temporary Use Permit.
2. **Event Tents.** Tents for a private party or event are permitted for a total of seven (7) days per calendar year, per lot without a Temporary Use Permit.

(Ord. [071618F](#), 07/19/2018; Ord. [101121H](#), 11/15/2021; Ord. [121922E](#), 01/17/2023; Ord. [031626C](#), 04/20/2026)

Effective on: 4/20/2026

CHAPTER 6. DEVELOPMENT STANDARDS

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- Article 6.1. General Provisions
- Article 6.2. Accessory Structure Standards
- Article 6.3. Architectural Design Standards
- Article 6.4. Entrance & Driveway Standards
- Article 6.5. Exterior Lighting Standards
- Article 6.6. Height Encroachments
- Article 6.7. Landscaping Standards
- Article 6.8. Lot Standards
- Article 6.9. Open Space Standards
- Article 6.10. Outdoor Display & Storage Standards
- Article 6.11. Parking & Loading Standards
- Article 6.12. Pedestrian Accessibility Standards
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Article 6.1. General Provisions

Contents:

Sec. 6.1.1. Purpose & Intent

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Sec. 6.1.5. Building Type

Sec. 6.1.1. Purpose & Intent

It is the purpose and intent of this Chapter to supplement the development standards and land use provisions identified in CHAPTER 3. ZONING DISTRICTS.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 6.1.2. Applicability

All structures, buildings, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of the UDO (except as may otherwise be provided within the UDO) are subject to all development standards and regulations for the applicable Zoning District within the City or the City's extraterritorial jurisdiction.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 6.1.3. Conformity with Other Regulations

- A. In addition to the requirements established in these regulations, the improvement of land or building structure shall comply with the following:
 1. Applicable statutory provisions;
 2. Applicable provisions of this UDO and all other laws of the applicable jurisdictions;
 3. The official Comprehensive Plan and Capital Improvements Program of the applicable jurisdictions, including all streets, trails, and parks shown on any official map;
 4. The rules and regulations of the State Board of Health, the Department of Natural Resources, and other appropriate state agencies;
 5. The current edition of the "Indiana Manual on Uniform Traffic Control Devices" for installation of traffic control devices;
 6. The rules of the Indiana Department of Transportation (INDOT) if the development or any lot contained therein abuts a state highway; and
 7. The Hamilton County Thoroughfare Plan, and Pathway Standards and Design Guidelines, if applicable.
3. Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies, the regulations of this Chapter, or the purposes of these regulations as established in Chapter 1 of the UDO.

Sec. 6.1.4. Measurements and Calculations

A. Where any provision of this UDO requires calculation to determine applicable requirements, any fractional/decimal results of the calculation shall be rounded to the nearest whole number (0.5 or more is rounded up, less than 0.5 is rounded down).

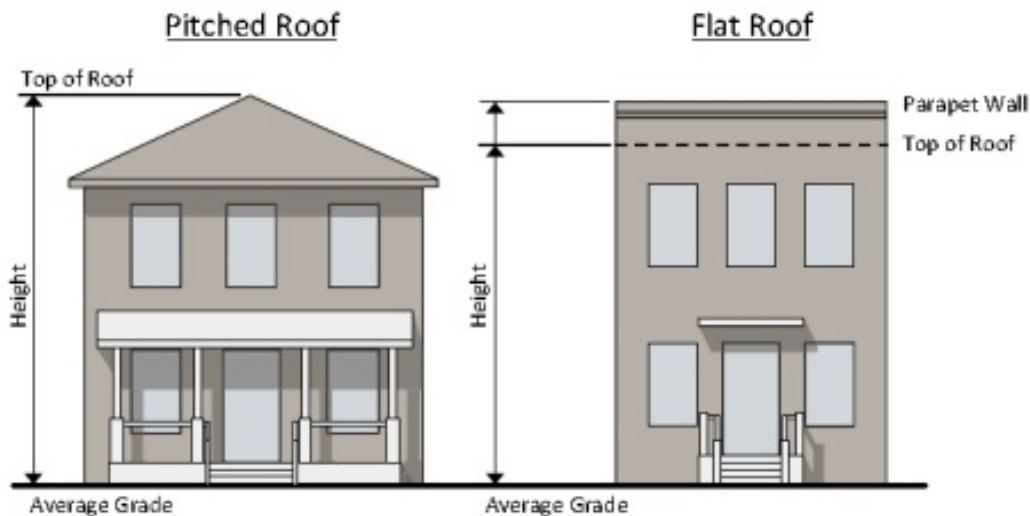
B. Lot Measurements

1. **Lot Area.** As defined, shall be set forth by the Zoning District or Overlay District.
2. **Lot Width for Interior and Through Lots.** Lot width for Interior and Through lots is to be measured at the front setback required per [zoning district](#).
3. **Lot Width for Corner Lots.** Lot width for Corner Lots is to be measured based on the Lot Standards outlined in [Sec. 8.2.4.B.4. Corner Lots](#).
4. **Lot Width and Depth for Cul-de-Sacs Lots.** Lot width and depths for cul-de-sac lots is to be measured based on Lot Standards outlined in [Sec. 8.2.4.B.9. Lot Width and Depth for Cul-de-Sac Lots](#).
5. **Impervious Area.** As defined, shall be set forth by the Zoning District or Overlay District.

$$\text{Impervious Area} = \frac{\text{Sum of areas covered by impervious surface (sq. ft.)}}{\text{Lot Area (sq. ft.)}}$$

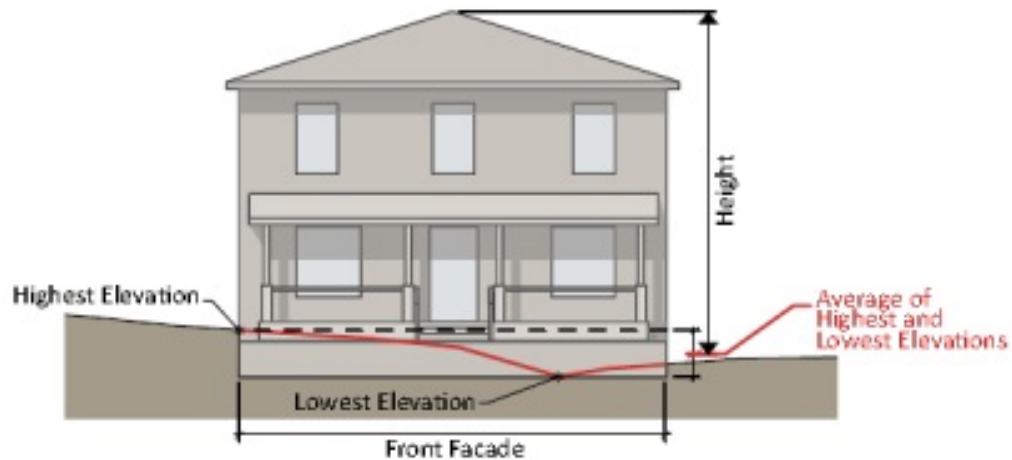
C. Building Measurements

1. The maximum [structure height](#) shall be determined in the applicable [zoning district](#).
2. **Building Height Measurement.** The height is measured from the average grade to the top of the highest point of a pitched roof or flat roof, not including a maximum [parapet wall encroachment](#). The maximum height encroachment for a parapet wall is six (6) feet (see image below).

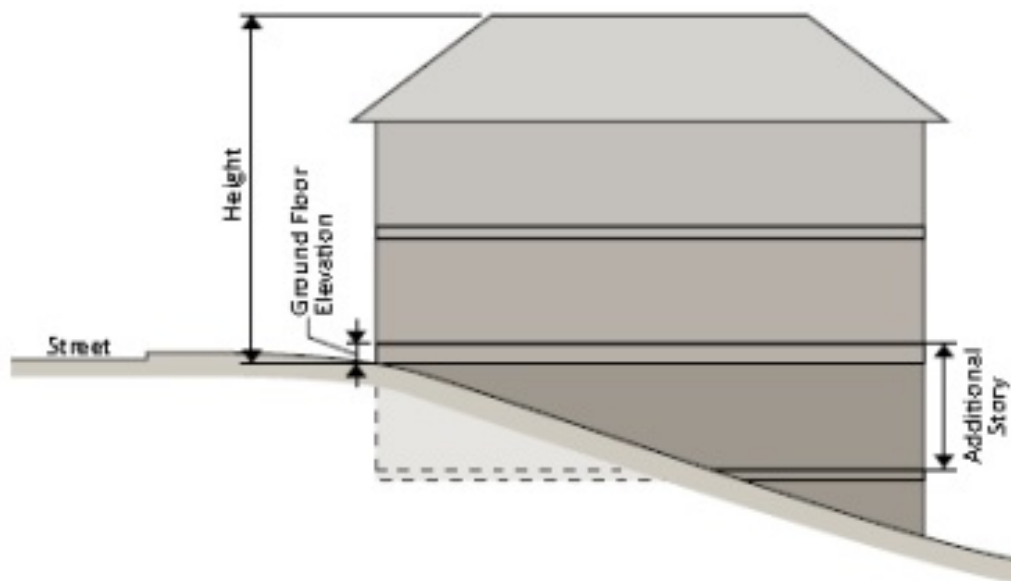


3. Average Grade

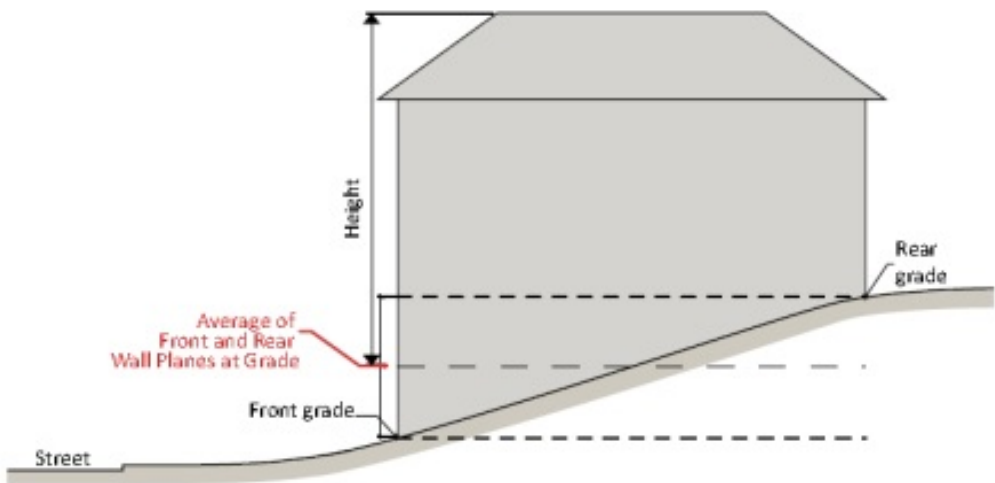
- a. Average grade is determined by calculating the average of the highest and lowest elevation along pre-development or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback. Where mass-grading has been approved by the City, average grade shall be considered the improved grade following such mass grading (see the following image).



- b. Where a lot slopes downward from front the property line, one (1) additional story may be built on the lower portion of the lot with the overall height measured from the grade above (see the following image).



c. Where the property slope increases to the rear, building height is measured from the average point at grade of the front and rear wall plane (see the following image).



d. A basement with 50% or more of its perimeter wall areas (measured from the finished floor elevation) surrounded by finished grade is not considered in the measurement of the overall height limit of a zoning district.

(Ord. [121922E](#), 01/17/2023; Ord. [031725C](#), 04/21/2025)

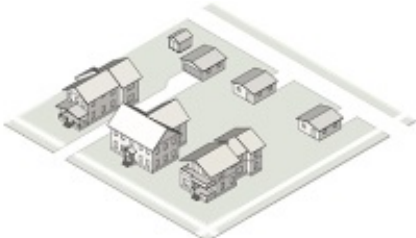
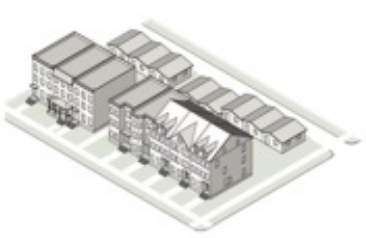
Effective on: 4/21/2025

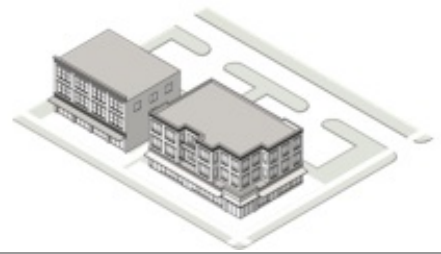
Sec. 6.1.5. Building Type
Contents:

- Sec. 6.1.5. Building Type**
 - Sec. 6.1.5.1. Building Type Descriptions**
 - Sec. 6.1.5.2. Building Type Allowed by Districts**

Sec. 6.1.5.1. Building Type Descriptions

The following building types have been established to allow for detailed regulation of the form within each zoning district. All graphic depictions of building types are for illustrative purposes only.

		
Detached House. A building constructed to accommodate one (1) dwelling unit on a single lot.	Attached House. A building constructed to accommodate two (2) principal dwelling units on a single lot.	Townhouse. A building constructed to accommodate two (2) or more dwelling units that are horizontally integrated where each dwelling unit is separated vertically by a party wall.



Mixed Use Building. A multi-story building constructed to accommodate commercial uses on the ground floor and uses in addition to commercial uses on the upper floors.

Effective on: 4/21/2025

Building types are allowed by district as set forth below.

Key:

- Building Type Allowed

(Ord. 031725C, 04/21/2025)

Effective on: 4/21/2025

Article 6.2. Accessory Structure Standards

Contents:

Sec. 6.2.1. Purpose & Intent

Sec. 6.2.2. Residential Accessory Structures

Sec. 6.2.3. Agricultural Structures

Sec. 6.2.4. Common Community Structures

Sec. 6.2.5. Outdoor Dining Structures

Sec. 6.2.6. Mechanical & Utility Equipment

Sec. 6.2.7. Satellite Antenna

Sec. 6.2.8. Trash Receptacles

Sec. 6.2.1. Purpose & Intent

A. Accessory buildings and structures are permitted in conjunction with primary buildings and uses. Allowed accessory buildings and structures include those listed in this Article and additional accessory buildings and structures that, as interpreted by the Director, meet the following:

1. Are customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;
2. Are located on the same lot as the primary building or use of the lot;
3. Are operated and maintained under the same ownership as the primary structure; and
4. Require a building permit unless otherwise specified.

B. Unless otherwise allowed in the Article, no accessory building or structure may be established on a lot prior to the establishment of the primary building or use.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 6.2.2. Residential Accessory Structures

In residential zoning districts, detached accessory buildings or structures such as garages, gazebos, hot tub enclosures, carports, canopies, pool houses, porches, patios with footings, greenhouses, similar accessory buildings or structures, shall be subject to the following regulations:

A. Maximum Floor Area

The construction of a detached accessory building or structure on a residential parcel shall not exceed the maximum lot coverage allowed by the zone. In addition, the combined gross floor area of all accessory structures on site shall be as follows:

	Parcel Size			
	Less than 1 acre	1-2 acres	More than 2 acres but less than 4 acres	4+ acres
Maximum floor area (all accessory structures on a residential lot combined)	1,000 sf.	1,500 sf.	2,000 sf.	4,000 sf.

B. Height

The maximum height of an accessory building or structure shall comply with the following:

Zoning District	Accessory Structure Max Height
ER	24'
AG	22' non-agricultural uses 35' for agricultural related uses
R1, R2, R3, R4, R5, & MP	18'

C. Placement

The placement or construction of a detached accessory building or structure must comply with the following placement requirements (see following image also):

1. Front setback must comply with the required front setback of the property based on the zoning district;
2. Side or rear setback must meet the setback requirements for the primary structure or ten (10) feet, whichever is less;
3. Any accessory structure over 600 square feet shall have a setback of at least equal distance as the height of the building, if that distance is greater than the minimum side and rear setback required per the zoning district.
4. Shall not encroach into any easement and/or any required buffer yard for the zoning district.
5. Shall comply with [Article 6.20. Vision Clearance Standards](#).



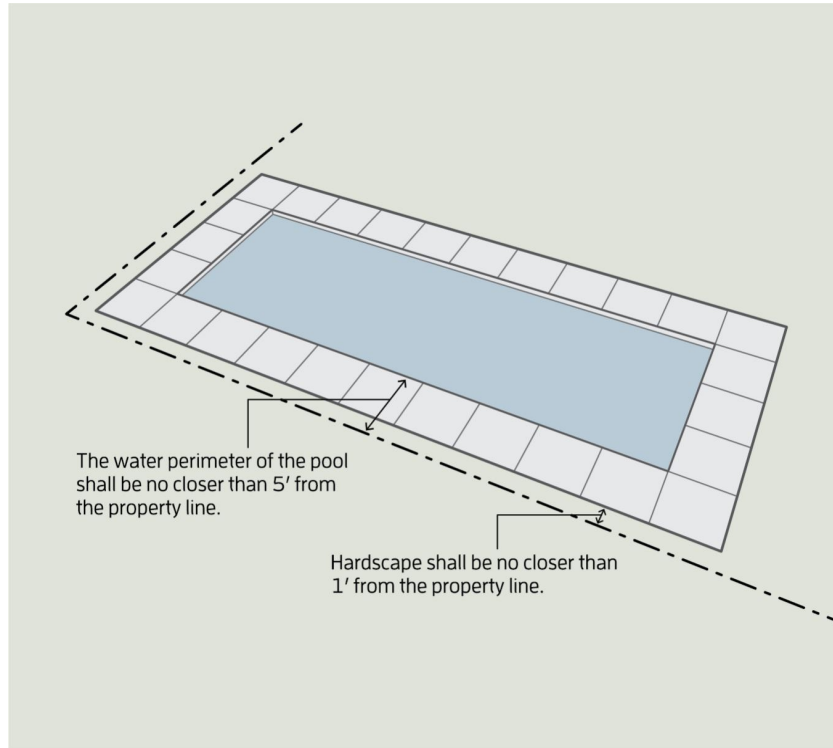
D. Building Permit Exemption

A building permit is not required for outdoor fireplaces, children's playhouses, swings, other play structures, above ground pools, basketball goals, pergolas, and similar structures as determined by the Director.

E. Swimming Pools

Private swimming pools may be permitted on residential lots and do not count towards the impervious surface area. Private swimming pools must follow the standards below (as illustrated in the following image):

1. The water perimeter of an inground or above ground pool shall be no closer than five (5) feet from any rear or side property line.
2. Any hardscape surrounding the edge of the pool shall be one (1) foot away from the side or rear property line and is part of the impervious surface area calculation for each lot.



(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [111620B](#), 12/21/2020; Ord. [011822](#), 02/21/2022; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.2.3. Agricultural Structures

Agricultural structures may be located on a lot without a primary structure. Accessory buildings and structures used exclusively for agricultural purposes or for the keeping of horses shall be allowed with the following conditions:

- A. Farm accessory structures may include barns, equipment and animal sheds, farm residences for the owner, operator or farm assistants, and roadside sales structure for the sale of products of the farm, but not including industrial or commercial operations or structures;
- B. Agricultural buildings and structures may be permitted on a lot without a primary building if it is associated with the operations of a farm;
- C. Under no circumstances shall a single accessory structure exceed 5,000 square feet;
- D. Under no circumstances shall a lot have more than five (5) accessory structures;
- E. The parcel must comply with the applicable Maximum Impervious Surface Coverage for the district in which it is located; and
- F. The aggregate floor area of all accessory structures shall not exceed 2% of the lot area.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.2.4. Common Community Structures

Accessory buildings and structures used subdivisions, multi-family and non-residential developments shall be allowed with the following conditions:

- A. Management offices, carports, detached garages, and other facilities, normally associated with convenience, such as vending and laundry facilities.
 - 1. In multi-family and non-residential zoning districts, carports and garages shall not be placed between the primary structure and any street. Carports and garages may be placed across the street from the primary structure.
 - 2. A building permit for an accessory structure may be issued at the same time as the building permit for a primary structure; if,
 - a. The use of the accessory structure is incidental to the construction of the primary structure; and
 - b. The owner of record has recorded a commitment instrument in the County Recorder's office that:
 - i. Is prepared in a form acceptable to the Department of Community Development;
 - ii. Stipulates that the accessory structure shall not be occupied as a dwelling;
 - iii. Stipulates that construction of the primary structure shall commence no later than 60 days after of the issuance of a Certificate of Occupancy for the accessory structure.
- B. Cluster mailbox units for outdoor centralized mail delivery shall be installed beneath a shelter that meets the following requirements:
 - 1. The architectural design of the shelter shall be compatible with the primary structure and character of development and be supplemented with landscaping.
 - 2. The shelter and cluster mailboxes shall be erected prior to the issuance of the first Certificate of Occupancy for the project.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 6.2.5. Outdoor Dining Structures

Accessory structures for outdoor dining shall comply with [Sec. 5.7.2.D. Outdoor Dining for Eating Establishments](#).

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 6.2.6. Mechanical & Utility Equipment

All mechanical equipment regardless of mounting style or location on site shall be screened from view from all directions.

A. Applicability

Mechanical and utility equipment not shown on construction plans during ILP, SIP, or other permit review (due to unknown location or other reasons) or mechanical or utility equipment added that were not originally planned for do not remove the developer's or applicants' responsibility to comply with the following standards.

B. Location

Mechanical and utility equipment shall not be located in a front yard or along the front facade of any building, unless there is a life-safety concern as determined by the Director, or unless the lot in question has three (3) or more frontages.

C. Height

Screening height shall be at least one (1) foot taller than the height of the mechanical equipment.

D. Screening

1. **Ground-mounted.** Where possible, ground mounted mechanicals shall be screened by a masonry wall matching the materials and color of the primary structure. If that wall is masonry and attached to the primary structure no plant material screening is required. Any screening walls not attached to the primary structure shall be softened through the use plant materials, planted at a rate of one (1) shrub per four (4) lineal feet of screen wall perimeter.
2. **Wall-mounted.** Wall-mounted mechanicals shall be screened by a masonry wall matching the materials and color of the primary structure. When possible that wall shall also be softened using plant material, planted at a rate of one (1) shrub per four (4) lineal feet of screen wall perimeter. Wall-mounted mechanicals shall mean to include all wall-mounted meters and other mechanical equipment. Screening of wall-mounted solar energy systems is not required
3. **Roof-mounted.** All roof-mounted mechanicals shall be hidden by a screen, parapet wall, or portion of roof that is architecturally compatible with the primary structure. Screening of roof-mounted solar energy systems and other alternative energy systems is not required.

E. Landscaping

Shrub material shall be provided as required above. Shrub plantings along screen walls greater than five (5) feet in height shall utilize shrub species that grow to at least five (5) feet in height at maturity, while keeping a width which is less than the height. All landscaping shall be evergreen.

F. Single-Family Districts

1. All roof-mounted equipment in single-family residential districts including, but not limited to, heating, exhaust fans, cooling, and antennas shall be screened to the greatest extent possible to preclude viewing from adjacent residences and public rights-of-ways.
2. Exceptions:
 - a. Satellite television antenna 40 inches or less in diameter and other roof-mounted equipment such as solar panels may be visible upon a showing that screening of same would: (1) unreasonably delay or prevent installation, maintenance or use; or (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal, or block the sun.
 - b. Solar energy systems.

(Ord. [071618F](#), 07/19/2018; Ord. [121922E](#), 01/17/2023; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.2.7. Satellite Antenna

The purpose of a satellite antenna is to receive signals from orbiting satellites. The regulations of this Section shall apply to satellite antennas larger than 40 inches in diameter.

A. Single-Family Residential Standards

1. Minimum setback requirements (the distance between the base of the satellite antenna and the property line) for a satellite antenna located on the ground, shall be 1½ the diameter of the satellite antenna measured at the two (2) most widely separated points of its circumference.
2. A satellite antenna that is not attached to the primary structure shall have a maximum height of 12 feet above the ground.

B. Multi-family & Non-Residential Standards

1. A ground-mounted satellite antenna shall have a maximum height of 12 feet above the ground.
2. A satellite antenna shall be located 15 feet away from any public right-of-way.
3. Satellite antennas may only encroach into the rear setback, but they shall be at least 10 feet away from the rear property line.
4. When located on the roof of a building, a satellite antenna shall not exceed the height limitation for the zoning district in which it is located, and shall be fully screened.

C. Concealment

In all zoning districts, cables and connections from a satellite antenna to other equipment on the premises shall be buried underground when the satellite antenna is located on the ground, or concealed in a manner that matches the architecture design when the satellite antenna is located on a building.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 6.2.8. Trash Receptacles

Trash receptacles and trash compactors shall be enclosed on all sides by a structure that complies with the following:

- A. Shall be no closer to any right-of-way than the primary structure, excluding properties with frontage along three (3) or more property lines.
- B. Shall be Minimum of six (6) feet tall or one (1) foot taller than the receptacle, whichever is greater;
- C. Constructed of masonry material that is compatible with the primary structure. Enclosures attached to the primary structure shall be designed as an architecturally integrated part of the primary structure: alternative material can be approved by the Director for existing uses.
- D. Gates are required and shall be 100% opaque and constructed of low maintenance, durable materials.
- E. Shrub material shall be provided to supplement the screening of the enclosure;
- F. The gate shall not face a residential zone. The gate shall not face a right-of-way within 50 feet.

(Ord. 071618F, 07/19/2018; Ord. 101121H, 11/15/2021; Ord. 121922E, 01/17/2023; Ord. 031725C, 04/21/2025)

Effective on: 4/21/2025

Article 6.3. Architectural Design Standards

Contents:

Sec. 6.3.1. Purpose & Intent

Sec. 6.3.2. Administrative Alternative Findings

Sec. 6.3.3. Defined Terms & Determining Applicable Standards

Sec. 6.3.4. Residential Design

Sec. 6.3.5. Mixed Use & Non-Residential Design

Sec. 6.3.1. Purpose & Intent

- A. **Purpose** The purpose of this Article to create standards that set and maintain a baseline level for the architectural design and construction of buildings within the City, particularly new buildings and structures. This Article is not intended to limit creativity or to prioritize one (1) architectural style over another.

B. **Intent.** The intent of this Article is to do the following:

1. To promote visually aesthetic building designs that incorporate quality architectural characteristics and establish a built environment that is compatible with existing and future adjacent land uses.
2. To promote the use of symmetry, scale, proportion, unity, balance, rhythm, contrast harmony and color to increase aesthetic pleasantness of a building.
3. To encourage the use of architectural design techniques appropriate to the spatial and functional context of the development, neighborhood and the surrounding environment.
4. To aid legibility, wayfinding, and local character at the neighborhood scale.
5. To avoid featureless expanses of building bulk, reduce monotony, increase diversity in streetscape and encourage fascination in the built environment.
6. This Article is not intended to limit creativity or to prioritize one (1) architectural style over another.

(Ord. [071618F](#), 07/19/2018; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.3.2. Administrative Alternative Findings

- A. The Director may, in accordance with [Sec. 10.2.1. Administrative Alternate](#), approve alternate architectural standards to provide for any creative or unique architectural designs that may not meet all the standards of this Article but meets the purpose and intent of this Article.
- B. To approve an alternative architectural design, the following findings shall be required:
1. The approved alternate meets or exceeds the intent of the Cohesive Design Standards;
 2. The approved alternate meets or exceeds the intent of the Building Scale (Non-Residential) Standards;
 3. The approved alternate meets or exceeds the intent of the Building Form Standards;
 4. The approved alternate meets or exceeds the intent of the Architectural Elements Standards;
 5. The approved alternate meets or exceeds the intent of the Materials Standards;
 6. The approved alternate conforms with the [Comprehensive Plan](#) and adopted City plans; and
 7. Applicable Indiana [Building Code](#) regulations are met.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.3.3. Defined Terms & Determining Applicable Standards

A. Defined Terms

1. **Accent Colors.** Accent colors are defined as secondary to the primary color and are for emphasis in a color scheme. These colors can often be bold or vivid and are used sparingly, to emphasize, contrast or create rhythm.
2. **Accent Materials.** Distinct materials used to provide emphasis of architectural features or areas of the building. Accent materials to be used less than field materials and between 5% and 20% of applicable façade elevations, excluding exterior fenestration coverage. Qualifying accent materials must either be a different material type, have a different cut size or installation technique (such as types of masonry rows). Awnings or canopies with a unique material type and meeting visible coverage areas may qualify.
3. **Articulation.** The way the form or portions of a building are expressed to emphasize or create distinct patterns or rhythms that enhance the design and add visual interest or Pedestrian Scale.
4. **Composite Metal Materials.** A composite material with at least two (2) constituent parts, one being a metal necessarily, the other material may be a different metal or another material, such as a ceramic or organic compound.
5. **COD.** “COD” within the applicable standard table applies to commercial or office developments.
6. **Description.** The standard within the applicable standard table for that Section.
7. **Field Color.** Color uses for at least 25% of applicable façade elevations, excluding all fenestration area.
8. **Field Material.** Materials used for at least 20% of applicable façade elevations, excluding all fenestration area. There is no limit on number of field materials provided other coverage requirements are met. Accent materials more than minimum requirements, which meet required area in total, may count as a field material. Visible roofing material meeting all other material and roof standards, including elevation area requirements, may count as a field material. See also Fenestration definition.
9. **Fenestration.** The arrangement, design, proportioning, or general disposition of windows and other openings in the exterior walls of a building. Fenestration requirements for buildings do not count toward minimum number of exterior material or color types, unless they exceed required fenestration coverage areas by 10% for applicable areas, and minimum Field Materials (see definition) area for all other facades. Roll-up doors must function in part as windows when closed and comply with all applicable standards to qualify as fenestration.
10. **Finish Materials.** Materials which are non-essential to complete the building design and are used in addition to primary and secondary materials.
11. **Fluorescent/Neon Colors.** An extremely bright color that is prohibited as a primary color for architectural design standards.
12. **IND.** “IND” within the applicable standard table applies to industrial developments.
13. **Modulation.** In the design standards, modulation is a stepping back or projecting forward of portions of a building face or roofline within specified intervals of building width and depth as a means of breaking up the apparent bulk of a structure's continuous exterior walls.
14. **MF.** “MF” within the applicable standard table applies to multi-family developments.
15. **O.** “O” within the applicable standard table means that the specific standard is optional and not required as part of the design standards for that Section.
16. **Pedestrian Scale.** Pedestrian Scale means the use of human-proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional to the human body, rather than monumental or large scale, and include surface texture and patterns, lighting, colors, materials, landscaping, and architectural details.
17. **Public View.** Public View in this Article means any view from a primary entrance to adjacent building, roadway, street, common area, pedestrian area, trail, sidewalk or public space.
18. **R.** “R” within the applicable standard table means that the specific standard is required as part of the design standards for that Section.
19. **SF.** “SF” within the applicable standard table applies to single-family development.

B. Determining Applicable Standards

The following table illustrates how to determine the applicable standards for development:

Description	SF	MF
This is an example of an architectural design standard in the UDO. Each standard has a letter, which corresponds to example photos or illustrations. Note that not all standards are depicted by illustrations.	O	R

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.3.4. Residential Design

A. Residential Cohesive Design

1. **Intent.** The intent of these standards is to promote visually aesthetic building designs that incorporate quality architectural characteristics and establish a built environment that is compatible with existing and future adjacent land uses.

2. **Standards.** The following standards shall apply when required:

Description	SF	MF
a. Buildings must orient, frame, and/or face direct pedestrian views.	O	R
b. Design and orient buildings not to impede access. The building should enhance the appeal of <u>open space and pedestrian environments</u> .	O	R
c. Incorporate architectural features on all sides of a building façade facing a Public View.	R	R
d. Provide for wayfinding signage and create a unique identity for each building or community, by incorporating complimentary variation in design.	O	R
e. Ensure that no two (2) buildings viewed from a Public View are alike, by varying at least two (2) of the following for each building: roof pitches, material types, color packages, <u>structure orientation</u> , or incorporate other unique and identifiable architectural or landscape element. See also Sec. 8.2.2. Anti-Monotony Standards .	R	R

Do this:



a. Buildings frame adjacent parks or open space.



b. Building design enhances the pedestrian space



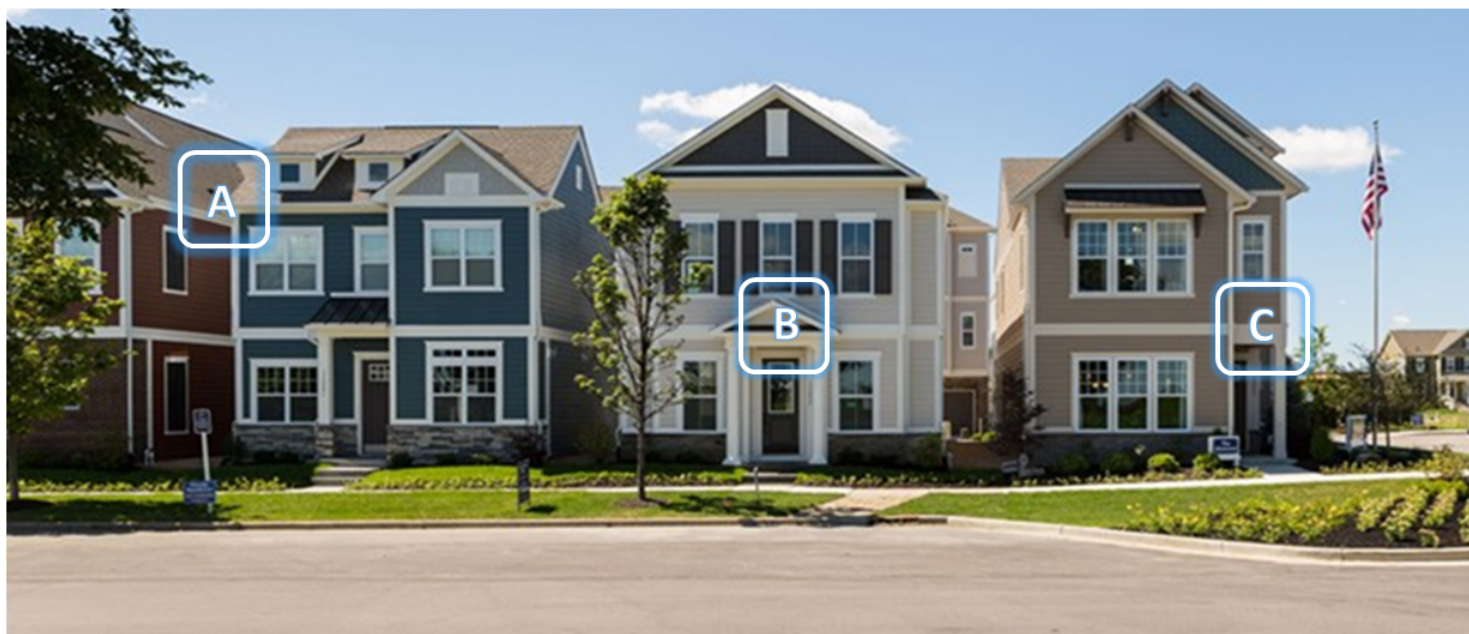
c. Architectural features are on all sides of the building façade.



d. Distinctive sign to enhance neighborhood identity.



e. No two (2) buildings viewed from the street are alike.



For simplicity, larger photos are illustrated with highlighted areas to point out specific ways that the illustration shows compliance with a specific standard or multiple standards in each Section. The intent is to provide these examples to illustrate the standard, but it does not mean that every design must match the illustration provided. In this photo, Cohesive Design standards are being met by the following: (A) illustrates the variation in color patterns which complies with [Sec. 8.2.2. Anti-Monotony Standards](#); (B) illustrates how the architectural features are visible from public view; and (C) illustrates how building entries can face the Public View on a street corner by providing a corner entrance with a patio area. Source: David Weekley Homes.

B. Residential Building Form

1. **Intent.** The intent of these standards is to articulate building forms, including, but not limited to, massing, walls, and roofs, with appropriately scaled modulations that contribute to the development of visually aesthetic and well-articulated building designs. Furthermore, these standards are meant to emphasize architectural building forms that support compatible building scales, provide appealing architectural character, and contribute to the quality of the neighborhood.

2. **Façade Standards.** The following standards shall apply when required:

Description	SF	MF
a. Incorporate at least two (2) types of modulation in the façade plane facing a Public View, including, but not limited to: projections, recesses, and step backs that articulate wall planes and break up building mass.	R	R
b. Façades equal to or longer than 20' facing a Public View shall provide a minimum total modulation area of 20% of the horizontal wall span, with a minimum vertical height of at least 3' tall. Porches and balconies, at least 6' in depth may count toward this requirement.	R	R
c. Modulation for qualifying projections, pop outs, bays, recesses, and varied <u>setbacks</u> , must be a minimum depth of 12" from the primary façade plane. A minimum 50% of total modulation must be visible over permanent barriers, such as <u>berms</u> and fencing, from described areas.	R	R
d. <u>Use</u> any combination of allowed material type, color variation, banding, stringcourse, or modulation to clearly distinguish between the <u>ground level</u> and upper <u>stories</u> .	R	R
e. Incorporate visually heavier and more massive elements or materials, such as stone or <u>masonry</u> , primarily at the base of the buildings. Lighter elements and materials, such as siding, shall be above the heavier or more massive elements. This excludes columns, supports, modulated walls, architectural features, and roof elements.	R	R
f. Second-story residential façades may not extend to the front face without additional façade modulation or additional material types and architectural accents.	O	R
g. Residential buildings with attached units must articulate the design to differentiate façades of individual units or groups of units. Must consistently incorporate any two (2) of the following: modulation, material, or color variation.	O	R

Do this:



a. *Incorporates at least two (2) types of modulation in the façade plane.*



b. Façade is longer than 20-feet and has a modulation area of at least 20%.



d. The modulation clearly distinguishes between the ground and upper stories.

c. A minimum 50% of the modulation is visible over the fencing.



e. The second-story residential façade of the garaged includes modulation.

3. Roof Standards. The following standards shall apply when required:

Description	SF	MF
a. Modulate and articulate roof forms to create building profile interest and to reduce the appearance of building mass and scale. Applies to façades visible from a public street, public spaces, and pedestrian environments.	R	R
b. Break up roof massing into primary and secondary roof elements that correspond to horizontal and vertical modulations or divisions in the façade, and denote key architectural elements, such as entries and porches.	R	R
c. Align and correlate roof forms including elements over porches and entries, with the overall building design and use of materials. Examples include but are not limited to: continuation of roof forms with vertical elements such as columns, piers, and pilasters, or accenting gable type façades with rafters, corbels, or distinct material variations from other wall planes	R	R
d. Sloped roofs shall have a significant pitch, primary roof planes to be no less than 5/12.	R	R
e. Flat roofs shall include eaves, on all visible sides, The minimum eave depth shall be 12 inches, the minimum eave thickness shall be 8 inches.	R	R
f. Provide variations in roof profile including but not limited at least two (2) of the following: two (2) or more visible roof planes; dormers, lookout, turret, or cornice work such as corbels, spaced consistently along the façade plane.	R	R
g. Quality roof materials such as tile, slate, cedar shake with fire protection, 30-year asphalt shingles, dimensional asphalt or fiberglass shingles, high-quality standing seem metal roofing, or high-quality metal shingle roofing shall be used on all structures. All metal roofing shall be low-gloss and a base color.	R	R

Do this:



a. Roof forms create building profile interest.



b. Roof massing is broken up into primary and secondary elements corresponding to architectural features.



c. Roof forms align and correlate with the overall building design.



f. The building has at least two (2) variations in roof profile.

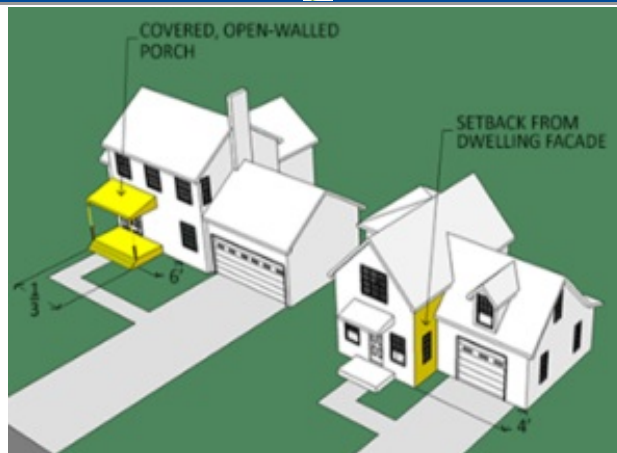


e. Attached residential developments shall provide a variation in roof heights to provide a unique identity to each unit.

4. Automobile Storage Standards. The following standards shall apply when required:

Description	SF	MF
a. Front loaded <u>garages</u> must be setback 4' from the front façade plane, with a minimum of a 20' setback from a sidewalk or trail.	R	O
b. Garage door area may not exceed 60% of the front façade of a building.	R	R
c. Two-car garages required, and an additional 4' deep x 6' long storage area shall be provided within the garage.	R	O
d. Every two (2) bays (not more than 25' wide) shall have a separate door, and shall have a 2' plane separation from adjacent door(s).	R	R
e. Decorative garage doors are required for front-loaded and side-loaded garages.	R	O
f. Carports must be attached to <u>primary structure</u> .	R	O
g. Detached garages and carports (multi-family only) must be designed in keeping with the primary structure and must utilize the same materials and color.	O	R

Do this:



a. This illustrates the required setback for front-loaded garage doors or a front porch instead of the 4' setback.



c & d. This garage has a separate door that is more than a 2' plane separation from the other doors.



e. This door type that includes paneling details, windows and decorative hardware.



e. Front-loaded garages must have decorative garage doors.



f. Carport is attached to the primary structure.



g. Carport is designed in keeping with the primary structure and utilizes the same materials and color.



This home illustrates several requirements of the Building Form standards by providing interesting façade modulations and roof forms. Building Form standards are being met by the following: (A) illustrates one (1) façade modulation on the 1st floor by incorporating a covered patio (B) illustrates a second modulation in the façade plan by stepping back the 2nd story of the home from the front facade; (C) illustrates additional modulation and architectural detailing between the 1st and 2nd story of the home; (D) illustrates 2nd story façade and roofline align over the covered patio creating a focal point for the entry; and (E) shows two (2) types of roof variations with the dormer and separate gable roof with broken up rooflines. Source: Estridge Homes

C. Residential Architectural Elements

1. **Intent.** The intent of these standards is to promote attractive residential units that enhance the quality of neighborhoods and developments by integrating architectural elements and details with building designs. Furthermore, the intent of these standards is to require the use of architectural elements and detailing to add interest and contribute to an aesthetic building character.
2. **Standards.** Architectural elements shall comply with the following:

Description	SF	MF
a. Provide detailing that transition or frame the façade material changes, and that integrate architectural elements such as lighting, doorways, and windows. Examples include but are not limited to: cornices, decorative caps on brick or stone, decorative lintels, porch railing, transom light, and shutters.	R	R
b. Windows must be provided to allow views to exterior activity areas or vistas, and must be provided on any façade facing a pedestrian or common area used for children's recreation.	R	R
c. Anchor windows and other portals into building wall planes by integrating proportional detailing such as trim, lintels, shutters, railing, and ledges that match the building design for the façade of a building faces an entrance to an adjacent building, roadway, common area, or any viewable public area.	R	R
d. Primary building entries must be clearly defined using a combination of architectural elements, materials, or façade modulation meeting other architectural standards in this Article.	R	R

e. External stairwells must be integrated with the building design and provide residents protection from inclement weather. Use materials, modulation, and architectural elements which relate to and support other standards.	O	R
f. Mechanical and utility equipment shall comply with Sec. 6.2.6. Mechanical & Utility Equipment .	R	R

Do this:



a. The building provides detailing that transition the façade material changes.



b. The windows provided allow views to exterior activity areas.



c. Windows and other portals inside integrate proportional detailing.



d. Building entries are clearly defined with materials and façade modulation.



e. Stairwell integrates with the building and provides protection from weather.



In this photo, this home complies with the standards of this Article by incorporating interesting modulation, roof forms, fenestration and various colors and materials. It includes a number of architectural elements including: (A) stone column base with caps anchored to the building; (B) decorative garage door that does not exceed 60% of the façade length; and (C) fenestration above the garage that creates more interest. This home also provides architectural interest by including: (D) a roof break over the front patio (E) sidelights and decorative lighting to emphasize the entry; and (F) corbels to emphasize the gables. Source: Beazer Homes

D. Residential Materials

1. **Intent.** To ensure that materials used for residential development promote and establish an architectural character that contributes to the aesthetic qualities of neighborhoods and protects adjacent property values. Furthermore, the intent of these standards is to require the use of complementary material combinations that contribute to a cohesive building design.
2. **Standards.** Use materials from the following basic groups: masonry, wood, fiber cement board, stucco, composite lap, decorative precast panels, aluminum, EIFS, and glazing. The additional following standards shall apply when required:

Description	SF	MF
a. Buildings with façades that face multiple public streets or roadways and/ or public spaces, use consistent material combinations, material quality, and architectural detailing.	R	R
b. Distinguish field materials from accent materials through pattern, texture, or additional detail visible from edge of nearest roadway. Alternate masonry or material courses may count toward this.	R	R
c. Where materials transition or terminate, provide detailing to express the natural appearance of the material. For example, wrap stone or stone-like products around visible corners to convey the appearance of mass, and not a thin veneer.	R	R
d. Use a cohesive color scheme featuring a minimum of two (2) field colors, a trim color, and an accent color or material. Garage door colors must coincide with this scheme or other accents.	R	R
e. For each wall plane area greater than 20' in length or height, and visible from roadways, common area, and pedestrian area, shall incorporate at least two (2) distinct field materials, patterns, or colors in any combination, for at least 25% of the visible area. Windows or portals with qualifying accent materials may count toward this requirement, when meeting overall material requirements for the façade elevation.	R	R
f. Masonry as a qualifying accent material must be applied to 50% of the available wall length at a minimum height of 24" (excluding garage openings).	R	R

g. Use of neon, or extremely bright colors that can be distracting and may cause a visual nuisance shall not be used as a primary color.	R	R
h. Unfinished or manufactured color smooth face block, untextured concrete panels, and prefabricated steel panels are prohibited as a building façade finish, except an accent or secondary field material	R	R
i. The use of vinyl on single-family is allowed with the following standards: Shall be .052 gauge; decorative entryway with a 12" min. wide door trim; 30% masonry at the water table line as a secondary material; must include at least two (2) other architectural elements, including but limited to, cornices, corbels, columns, window shutters, gable vents, etc.; and must comply with all other standards in this Article.	R	N/A

Do this:



a. Building facades that face multiple public streets use consistent materials.



b. This home uses a variety of accent materials through patterns, texture and architectural elements that are visible from the roadway.



c. Where materials transition, detailing expresses a natural appearance.



d. The building features two (2) field colors, a trim color, and an accent color.



e. This building incorporates at least two (2) distinct field materials.



f. Masonry is applied to 50% of the available wall length.



g. The use of .052 gauge vinyl siding may be allowed on single-family when it is combined with masonry at the water table line, two (2) architectural elements and a decorative entryway with a 12" min. door trim.

Don't do this:



h. This use of intensely bright and fluorescent colors is prohibited.



i. These untextured concrete panels are prohibited

(Ord. [071618F](#), 07/19/2018; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.3.5. Mixed Use & Non-Residential Design

A. Mixed-Use & Non-residential Cohesive Design

1. **Intent.** Promote visually aesthetic building designs that incorporate quality architectural characteristics and establish a built environment that is compatible with existing and future adjacent land uses. Furthermore, the intent of these standards is to articulate building designs to frame and accentuate public spaces with Pedestrian Scale elements and details.
2. **Standards.** Building design should address building scale, mass, form, and use a variety of materials and architectural features to ensure an aesthetic contribution compatible with surrounding buildings. The following standards shall apply when required:

Description	MU & COD	IND
a. Maintain consistent and contiguous pedestrian environments across developments. Limit circuitous connections and maintain clear visibility.	R	R
b. Incorporate architectural features on all sides of a building façade facing a Public View.	R	O

c. Buildings must orient, frame, and/or direct pedestrian views to adjacent cultural buildings, parks, and plazas.	R	O
d. Integrate at least one (1) material change, color variation, or horizontal reveal for every 12-vertical ft. of building façade; vertical spacing may be averaged over façade.	R	R
e. Integrate at least one (1) material change, color variation, or vertical reveal every 50-horizontal ft. of building façade; horizontal spacing may be averaged over façade elevation.	R	R

Do this:





a. This building maintains a consistent pedestrian environment.



b. This building incorporates architectural features on all sides of the building.



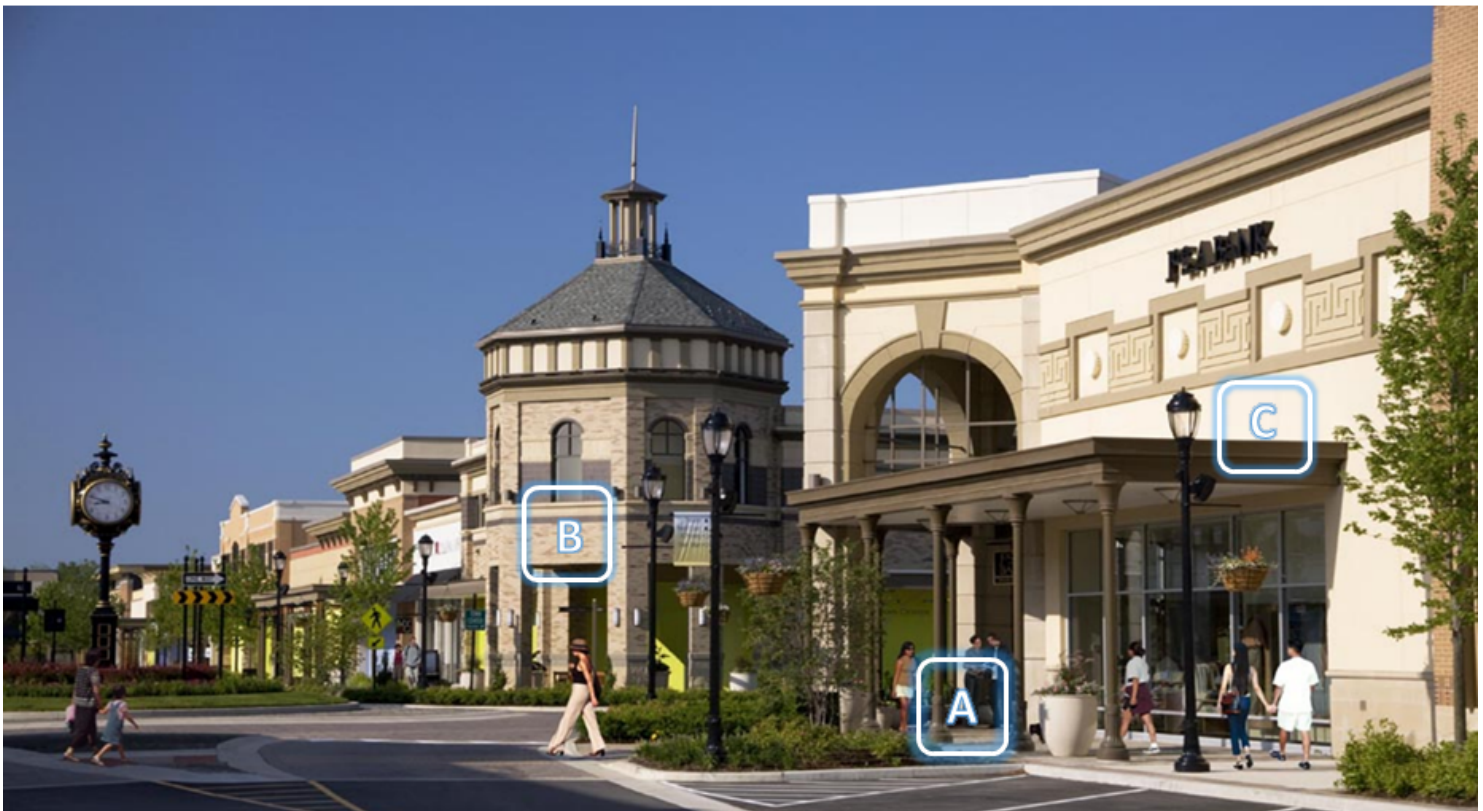
c. This building frames pedestrian views to the adjacent plaza.



d. This building incorporates a material change every 12-vertical foot.



e. This building incorporates a material change every 50-horizontal foot.



This photo illustrates how Cohesive Design standards are being met by incorporating the following: (A) illustrates how the commercial shops are oriented towards the public space that frame the pedestrian environment and provide a nice scale for the shopping experience; (B) illustrates the corner architectural features provides architectural interest from all sides facing a Public View; and (C) illustrates a material change for every 12' of vertical height by providing a different color and decorative stone pattern on the façade.

B. Mixed-Use & Non-Residential Building Scale

- 1. **Intent.** Promote building designs that use appropriate architectural and Pedestrian Scales to establish compatible physical and visual relationships with adjacent and surrounding developments and reinforce a cohesive built environment. Furthermore, development should consider the scale of surrounding buildings, including relationships to existing residential areas, as well as an appropriate height, mass, and form scaled for the built environment. Applies to façades of development along public roads, public spaces, and adjacent to residential areas.
- 2. **Standards.** The following standards shall apply:

Description	MU & COD	IND
a. Development should consider the scale of surrounding buildings, including relationships to existing residential areas, as well as an appropriate height, mass, and form scaled for the built environment.	R	R
b. For buildings with façades longer than 100', reduce massing of buildings by incorporating at least two (2) modulations with depth at least 5% of the total façade length, and a width of at least 20% of the façade length.	R	O
c. Use Pedestrian Scale and landscape design elements such as specialty lighting, awnings, trees or other site elements to visually relate and transition multi-story buildings (or equivalent) to the ground plane.	R	O
d. Consistently incorporate at least three (3) architectural features into the building design that are Pedestrian Scale, to include: fenestration patterns; architectural elements such as ledges, lighting, or canopies; material or pattern banding; or detailing.	R	R
e. For buildings facing local and collector roadways, off-street parking must be located to the side of or behind buildings with only one (1) row of off-street parking in front of the building façade.	R	O

Do this:



a. This roofline incorporates roofline and parapet variations.



b. This building incorporates smaller tenant spaces along the façade.



c. This building uses pedestrian scale and landscape design elements.



d. This building incorporates pedestrian-scale architectural features.



e. Parking is located to the side and behind this building.



The design of this commercial property provides for a unique entryway feature, decorative trellises, and a variety of landscaping material to help transition and emphasize the pedestrian realm. These design features provide a friendly pedestrian experience although the building is larger, multi-story building. More specifically, the building includes the following: (A) illustrates a raised landscape planter with seating, low trimmed shrubs, and trees to help frame the entry, while providing a welcoming pedestrian scale; (B) large wood beams, oversized hardware, and unique roof forms that provide modulation to help emphasize the entry in coordination with the landscaping; (C) unique materials in conjunction with the raised planter, landscaping and decorative trellis help transition the building scale to the pedestrian level; and (D) breaking up the roofline by providing a secondary, lower heights and modulation in the façade plan which reduces the massing and scale of a larger building. Source: Big Al's Bowling

C. Mixed-Use & Non-Residential Building Form

1. **Intent.** Promote building designs that articulate and define appropriate building forms with visual interest and enhance the character of the built environment. Furthermore, the intent of the standards is to articulate building forms, including but not limited to massing, walls, and roofs, with appropriately scaled modulations that contribute to the development of aesthetic building designs.
2. **Façade Standards.** The following standards apply:

Description	MU & COD	IND
a. Incorporate at least one (1) type of the following modulations in the façade plane, including but not limited to: projections, recesses, and step backs that articulate wall planes and break up building mass. Examples include, but are not limited to: columns with trim or accent materials, change in finished material depths, building overhangs, and inset features and materials such as false windows or <u>fenestration</u> with architectural accents.	R	R
b. Qualifying modulation must be at least 12" in depth, be at least 14" in width or height (whichever is narrowest), and occur in total for 20% of overall façade elevation. For buildings with façades less than 100', horizontal modulation must occur no less than every 30'. For buildings with façades greater than or equal to 100', horizontal modulation must occur no less than every 50'.	R	R
c. Facades facing Public View shall feature distinct visual elements that define the building's form, articulate façades, highlight primary entrances, and create a Pedestrian Scale experience at the <u>ground or street</u> level.	R	O

d. For at least 30% of applicable façades, incorporate a water table that uses any combination of masonry, stone, or unique variation of color or textured materials, at least 2' in height, around the base of the building. May alternatively incorporate other architectural features such as ledges, façade reveals, ground level fenestration, raised planters, or landscaping elements within 3' of finished grade.	R	R
e. Where building designs incorporate multiple stories, or multiple floor height equivalents, integrate at least one (1) field or accent color, material, or architectural feature used on lower stories, on the upper stories to provide visual continuity. Architectural features include, but are not limited to: repeated horizontal banding to match building's base trim, columns or pilasters that extend from base to roofline, façade reveals that extend the full height of the building, or coordinate color or material of balconies or canopies with ground floor entry features.	R	R
f. Building designs with multiple stories must provide proportionally taller ground-level façades adjacent to public roadways and public spaces. Provide a floor-to-ceiling height, or floor-to-floor height of 10' to 16'.	R	R
g. At least 40% of the first-floor façade must consist of transparent door and window fenestration. Where functional or structural constraints exist, provide at least two (2) of the following treatments: material changes, reveals with color/material shifts, modulation (recessed areas), trellises, awnings, pergolas, or spandrel glass windows. Spandrel glass windows may not exceed 10% of the total first-floor façade area. For big-box and industrial buildings, this requirement is limited to the 30 feet surrounding public entries.	R	R

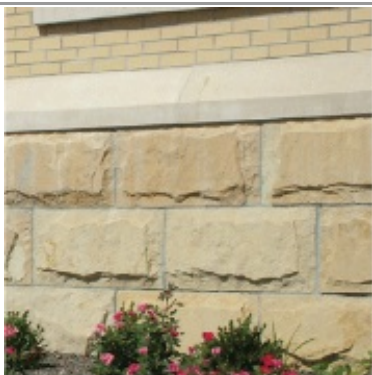
Do this:



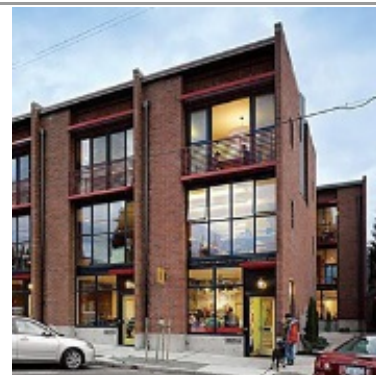
a & b. This building at least one (1) modulations in the façade plane.



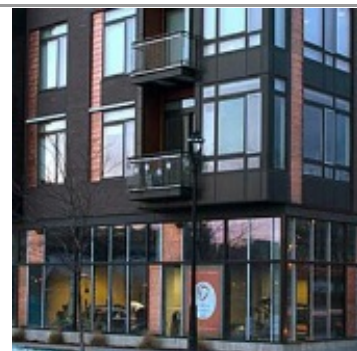
c. This building incorporates visual and physical distinctions in the design.



d. This building uses stone material at 10" in height around the façade.



e. This building incorporates integrates an accent color on lower and upper stories.





f. This building has a proportionally taller ground-level façade.

g. This building incorporates doors and windows for at least 40% of the first floor.

3. Roof Standards. The following standards shall apply:

Description	MU & COD	IND
a. Building roof types, forms, and elements should be designed to reduce the perceived mass of large structures and contribute to the local architectural character.	R	R
b. Buildings with rooflines exceeding 50' must incorporate integrated rooflines or and parapet variations to reduce perceived mass. Variations may include sloped forms, varied eaves heights, or architectural features such as cornices or ledges that create strong shadow lines. These features occur in total combination for at least 20% of the façade length. May be averaged over entire façade but may not exceed 75' without a break.	R	R
c. All architectural parapet walls, including smaller accent sections, shall be fully enclosed. These enclosure walls must be finished with the same high-quality materials, colors, and textures as the primary building facade. To prevent a false-front appearance, decorative parapet sections must have a minimum depth of 24" toward the interior of the roof. Furthermore, all parapet walls must feature a distinct architectural cap or coping (such as masonry, metal, or stone) that matches the primary building's architectural trim.	R	R
d. For flat roof: incorporate primary and secondary roof elements including but not limited to: multiple material types along parapets, multiple parapet elevations with at least a 3' change in elevation, or modulation of at least 3' in the parapet height, such as along entryway overhangs. Qualifying elements must exist for at least 20% the length of applicable façades in Public View. May also incorporate secondary roof types, such as hip roofs along overhangs.	R	R
e. For sloped roofs, incorporate at least two (2) of any one (1) roof element, including but not limited to: valleys, ridges, or gables. Qualifying elements in total must exist for at least 20% of applicable façade roof area and be visible from the same façade elevation. May also incorporate other roof styles, such as parapet walls over entryway features.	R	R
f. Provide variation in roof profile over façade modulation and/or articulation over façade material/color transitions. Options include, but are not limited to: varying parapet heights; two (2) or more roof planes; continuation of façade modulation through roof lines; dormers; lookouts; overhang eaves; sloped roofs; or cornice work.	R	O

Do this:





a. Roof types and forms provide variation and interest.



b. This building incorporates roofline and parapet variations.



c. This building provides an enclosed parapet wall section.



d. This flat roof incorporates primary and secondary roof elements.



This is a smaller scale commercial building that illustrates a number of attractive architectural elements and building form. More specifically, the building includes the following: (A) use of consistent material combination, quality and detailing that creates a unique wall plane; (B) provides for at least two (2) types of field materials, color, and material-color combinations that give the building architectural character; (C) enhanced entry that is provided by an enclosed space that is designed with a darker color and material that compliments the lighter colors of the building; and (D) the stone material transitions or terminates in a natural occurrence by returning to the face of the façade behind the modulation. Source: Washington Trust Bank

D. Mixed-Use & Non-Residential Architectural Elements

1. **Intent.** The intent of these standards is to promote integrated architectural elements and details as components of cohesive building designs that enhance the visual interest of building façades, support activity at and/or near ground level, and provide Pedestrian Scale.
2. **Standards.** The following standards shall apply:

Description	MU & COD	IND
a. Provide at least three (3) detailing elements that transition façade material changes or integrate Pedestrian Scale elements, such as doorways, windows, or material banding, at the base of the building. Examples include but are not limited to: cornice work around primary entries, decorative caps on brick or stone banding, architectural canopies over entries, or decorative lintels above the first-floor windows.	R	R
b. Provide building overhangs or other projections such as canopies which articulate the building façade and provide temporary relief from inclement weather. At a minimum, an overhang or projection is required within 20' of all public entryways, must be at least 3' in depth from the point of entry, and be least 6' in length. Entryways with vestibules or other permanent enclosed transition space are exempt.	R	R
c. Provide details that emphasize focal elements such as public entries, building corners, or public spaces. Examples include but are not limited to: columns, quoin or rustication, lintels, transom windows, or modulation of the roof plane. At least one (1) focal element is required and must be accented with a unique combination of color, texture, materials, or modulation in the wall or roof plane.	R	R
d. Trash receptacles shall be screened and constructed in accordance with Sec. 6.2.8. Trash Receptacles .	R	R
e. Roof access shall be located within the interior space of the building to eliminate exterior ladders for roof access.	R	R
f. Mechanical and utility equipment shall be screened in accordance with Sec. 6.2.6. Mechanical & Utility Equipment .	R	R

Do this:



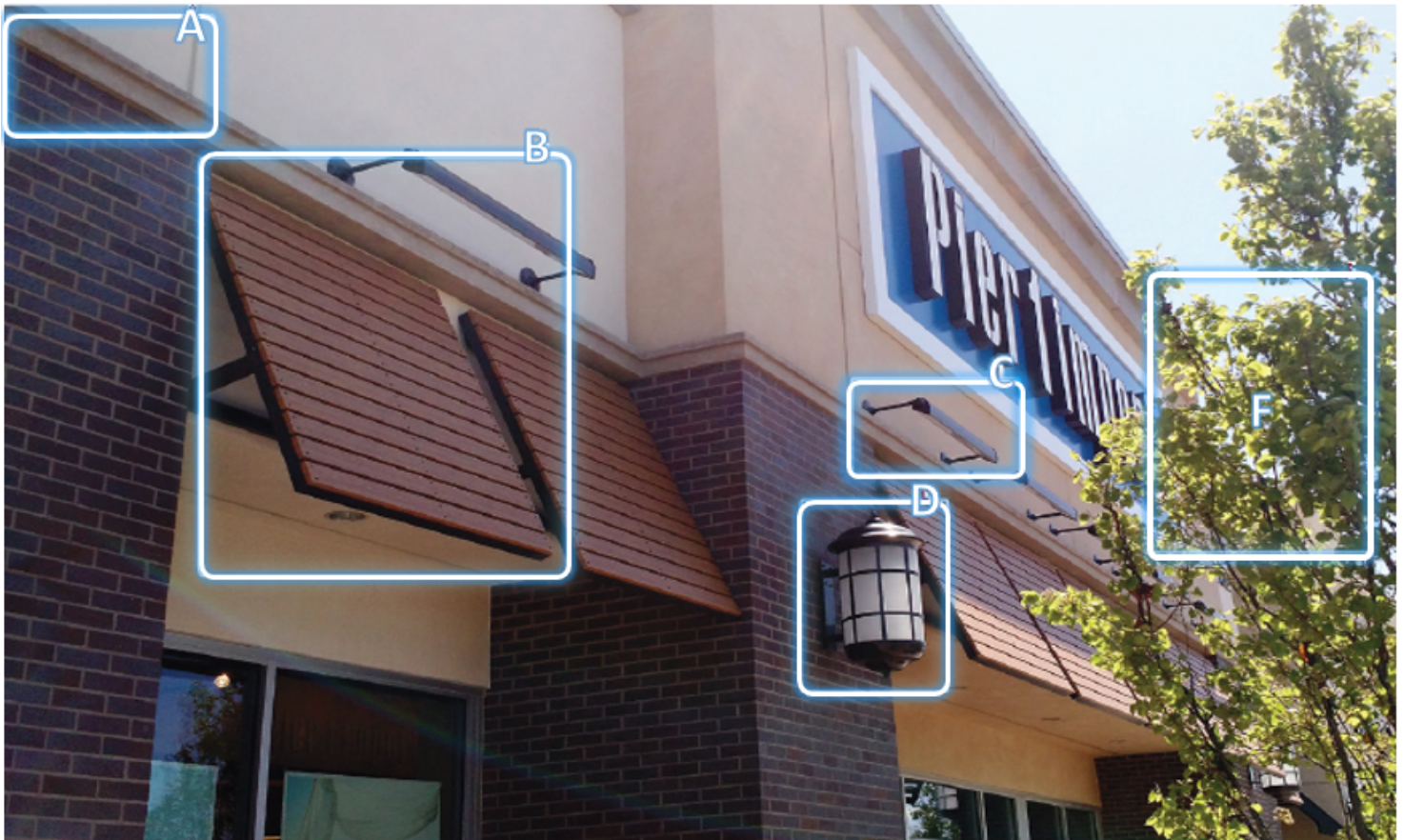
- a. This building provides at least three (3) detailing elements that transition façade material changes and integrate pedestrian scale elements.



- b. This building provides projections which articulate the building façade and provide temporary relief from inclement weather.



c. This building provides details that emphasize the public entry.



This design includes many unique building scale, architectural elements, and attractive materials that help to maintain a relevant pedestrian scale even-though the façade may be setback hundreds of feet from the roadway. Some of the building elements working to create this cohesive building design include: (A) a mix of complimentary building material; (B) attractive large framed metal awnings over windows and entries; (C) accent lighting to emphasize building elements; (D) specialty lighting to emphasize the entrance and support Pedestrian Scale, and (E) landscaping including trees in front, and in close proximity to the building to enhance and frame the building elements and reinforce the Pedestrian Scale. Source: Pier 1 Imports & City of Meridian Architectural Standards Manual

E. Mixed Use & Non-Residential Materials

1. **Intent.** To ensure that materials used for development promote and establish an architectural character that contributes to the aesthetic qualities of neighborhoods and protects adjacent property values.
2. **Standards.** Use materials from the following basic groups: brick, fiber cement board siding, stone, stucco, decorative precast panels, integrally colored block, EIFS, wood, composite metal panels, or high-pressure laminate (HPL) with a decorative surface that is suitable for exteriors. The additional following standards shall apply when required:

Description	MU & COD	IND
a. Buildings with façades that face Public View shall use consistent material combinations, material quality, and architectural detailing.	R	R
b. For all façade elevations visible from Public View and facing residential <u>zoning districts</u> , shall use at least two (2) distinct materials, field colors, or a combination of materials and field colors on the building façade. *Applies when industrial buildings face arterial or collector roads or facing public spaces.	R	R*
c. Building façades visible from Public View shall incorporate an accent material on the 1 st story of a multi-level building.	R	R
d. Where materials transition or terminate, provide detailing to express the natural appearance of the material. For example, wrap stone or stone-like products around visible corners to convey the appearance of mass, and not a thin veneer.	R	R
e. Textured concrete panels and prefabricated steel panels are prohibited as a finish material for building façades, except when used with a minimum of two (2) other qualifying field materials and meeting all fenestration and material requirements.	R	O
f. In Industrial Districts, untextured concrete panels and prefabricated steel panels are prohibited as facade field materials facing arterial and collector roadways, or public spaces, except when used with a minimum of two (2) other qualifying field materials and meeting standard fenestration requirements. Concrete panels that do not exceed 3 sf without a patterned reveal or modulation break may be considered textured.	O	R
g. <u>Reclaimed wood</u> may be used as an accent material and shall be limited to architectural accent areas (i.e. building and window trim, architectural features and entrances, etc.). <u>Reclaimed wood</u> shall be of high quality materials, suitable for exterior use, and limited to 25% of the overall building coverage.	R	R
h. Roll-up and drive-through doors are prohibited from Public View, unless they are integrated into the building design. Consider material variation and transitions, modulation, and other architectural features and standards for the design.	R	R
i. Use of neon or extremely bright colors as a primary color or large portion of wall area is prohibited.	R	R

Do this:



a. This building uses consistent material combinations, quality, and detailing.



b. This industrial building uses at least two (2) distinct field materials and colors.



c. This building uses masonry as an accent material on the 1st story or 1st floor height.



d. These materials transition to express a natural appearance.



e. Concrete is used with other qualifying field materials.



f. This industrial building uses concrete with qualifying materials.



g. Reclaimed wood under the canopy is used here as an accent material.



h. These roll-up doors are integrated into the building design.

Don't do this:





i. Use of vinyl siding is prohibited.



j. This use of intensely bright and fluorescent colors is prohibited as a primary color or on large wall areas.

(Ord. [071618F](#), 07/19/2018; Ord. [011822](#), 02/21/2022; Ord. [031626C](#), 04/20/2026)

Effective on: 4/20/2026

Article 6.4. Entrance & Driveway Standards

Contents:

Sec. 6.4.1. General

Sec. 6.4.2. Entrances

Sec. 6.4.3. Driveways

Sec. 6.4.1. General

A. Thoroughfare Classification

All classification of roads shall be based on the Transportation Plan as found and maintained in the [Comprehensive Plan](#).

B. Measurement

1. For the purposes of Entrance and Driveway Standards, distances from the [right-of-way](#) shall be measured from either the existing right-of-way or from the right-of-way proposed for a given [street](#) in the [Thoroughfare Plan](#), whichever is greater.
2. Distances between rights-of-way and entrances, drives, or [private streets](#) shall be determined by measuring from right-of-way (or proposed right-of-way) line to the ingress/egress easement line, back of curb, or edge of pavement (whichever is least) of the entrance, drive, or private street.
3. Distances between entrances, drives, and/or private streets shall be determined by measuring from the ingress/egress easement line, back of curb, or edge of pavement to the ingress/egress easement line, back of curb, or edge of pavement (whichever is least) of each entrance, drive, or private street.

C. Driveway Permit Required

Driveway Permits are required for all curb cuts onto [public streets](#).

(Ord. [071618F](#), 07/19/2018)

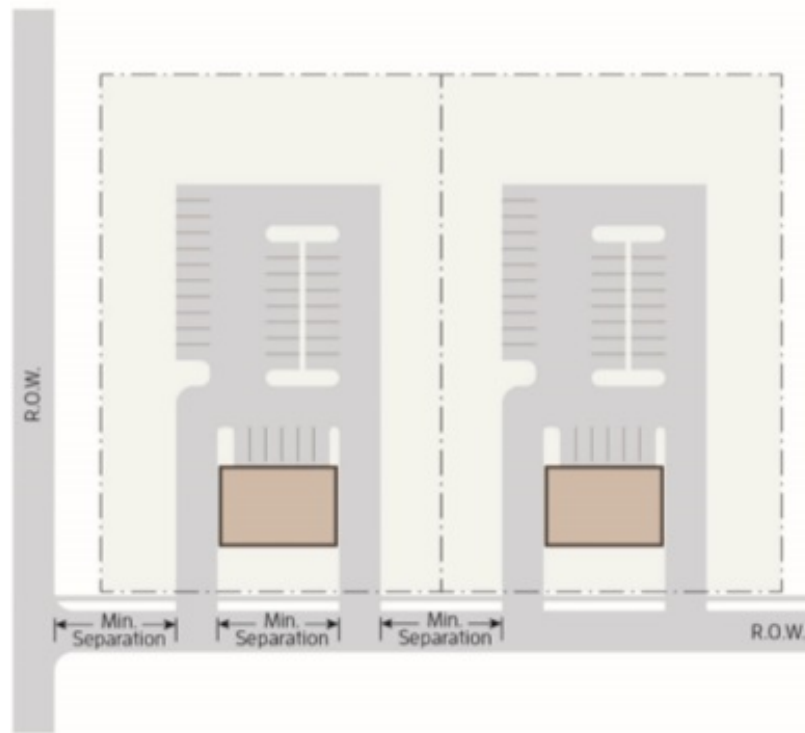
Effective on: 7/20/2018

Sec. 6.4.2. Entrances

A. Proximity

The Engineering Director shall approval all access points on a property on a case by case basis. Generally, all entrances or driveways shall comply with the following:

1. Within 100 feet of an intersection or each other or if along an arterial or collector (see the following image).
2. Within 50 feet of an intersection or each other if along a local street (see the following image).



3. Where two (2) or more entrances cannot meet the minimum separation standards, the Engineering Director may require the curb cuts to be consolidated into a single entrance.

B. Maximum Pavement Width

No entrance or driveway shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be 1/2 of the below measurements):

1. The maximum pavement width on an arterial or collector street in a non-single-family zoning district shall be 36 feet. Driveways shall not be less than 20 feet in width at the right-of-way line.
2. The maximum pavement width on a local street in a non-single-family zoning district shall be 30 feet. Driveways shall not be less than 20 feet in width at the right-of-way line.
3. The maximum pavement width on any road in a single-family residential zoning district shall be 24 feet. Driveways shall not be less than 12 feet in width at the right-of-way line.
4. The pavement widths shall be determined by measuring to the outside edges of the curb or pavement, whichever is greater, of the entrance or driveway.

C. Passing Blisters, Acceleration & Deceleration Lanes

Based on a traffic study performed by the City, the Engineering Director may determine the following are necessary:

1. An acceleration or deceleration lane; or
2. A passing blister at a new entrance or drive.

D. Pull-offs and Turn-outs

Permanent or long-term access drives or turn-outs for telecommunication facilities, utility substations, and the like shall be allowed to utilize pavers or grass pavers.

E. Manufactured Home Park Entrances

Manufactured or mobile home parks with 40 or more dwelling sites shall have:

1. At least two (2) access points into and out of the manufactured or mobile home park.
2. Driveways for individual dwelling sites shall access interior streets only.

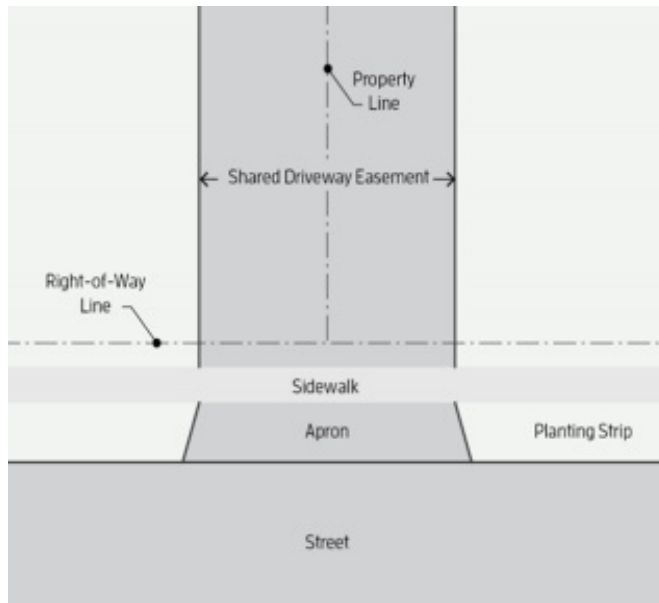
(Ord. 071618F, 07/19/2018; Ord. 081919D, 08/19/2019)

Effective on: 8/19/2019

Sec. 6.4.3. Driveways

B. Residential

1. **Driveway Flare.** Driveways shall taper out an additional five (5) feet in width on each side between the right-of-way line and the back of curb or edge of pavement where there is no curb. Driveways shall not exceed 34 feet in width at the back of curb or edge of pavement where there is no curb.
2. **Setback.** Driveways shall not be closer than one (1) foot to side and rear property lines unless a shared driveway is established.
3. **Shared Driveways.** Shared driveways shall not exceed the pavement width and driveway flare standards listed in in this Section. Where shared driveways are used, they shall be placed in a shared driveway easement as set out in Sec. 10.2.11. Easements.



C. Non-residential

1. **Driveway Width.** Driveways shall not be less than 20 feet in width at the right-of-way line.
2. **Vehicular Circulation.** All on-site vehicular circulation and traffic patterns shall be approved by the Engineering Department.

(Ord. 071618F, 07/19/2018; Ord. 011822, 02/21/2022)

Effective on: 7/20/2018

Article 6.5. Exterior Lighting Standards

Contents:

Sec. 6.5.1. Applicability

Sec. 6.5.2. Light Level Measuring

Sec. 6.5.3. Design & Installation Requirements

Sec. 6.5.4. Parking & Pedestrian Areas

Sec. 6.5.5. Flood Lights & Flood Lamps

Sec. 6.5.6. Canopy Lighting

Sec. 6.5.7. Sports & Performance Venues

Sec. 6.5.8. Building & Security Lighting

Sec. 6.5.9. Pedestrian Lighting

Sec. 6.5.10. Seasonal Lighting of Religious Symbols

Sec. 6.5.1. Applicability

A. General

1. The exterior lighting requirements are intended to minimize light pollution and light trespass in the City by:
 - a. Encouraging the use of electrical engineers or lighting professionals to design outdoor lighting systems, and
 - b. Implementing guidelines that define the characteristics of the lighting fixtures distribution that reduces light pollution.
2. This Article is not intended to prevent the use of any design, products or method of installation. The Director may approve an alternate design if the design meets the intent of this Article to provide high quality lighting performance, glare control, and reduced light trespass.

B. Exempt

The following are exempt:

1. FAA-mandated lighting associated with a utility tower or airport;
2. Lighting for the United States flag, Indiana flag, a County or City flag, a corporate flag, or any other flag at the discretion of the Director;
3. Holiday lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;
4. Battery-powered emergency lighting;
5. Architectural lighting of 40 watts or less;
6. Public safety lighting.
7. Street lighting in the public right-of-way, though every attempt shall be made to select glare free fixtures and use shields and other devices to direct lighting downward.
8. Residential carriage, porch, and architectural accent lighting.
9. Other lighting as approved by the Director may be exempt from this requirement.

C. Permit Required

A permit is required for work involving exterior lighting. Documentation must be submitted that states the proposed site lighting complies with the provisions of the UDO. At a minimum, the documentation submitted must contain the following:

1. A point-by-point foot-candle array in a printout format indicating the location and aiming of illuminating devices. The printout must indicate compliance with required foot-candle limitations.
2. Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices, including but not limited to manufacturers or electric utility catalog specification sheets and photometric report indicating fixture classification.
3. The Director may waive any or all the above permit requirements, provided the applicant can otherwise demonstrate compliance with the UDO.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 6.5.2. Light Level Measuring

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

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.5.3. Design & Installation Requirements

All light fixtures shall meet the following requirements:

A. Light Level

The maximum light level of any light fixture cannot exceed 0.0 foot-candles measured at the property line of any residential district, 1.5 foot-candles measured at the property line of any non-residential district, and 2.0 foot-candles at the property line of a parking lot.

B. Glare

Lighting must not be oriented to direct glare or excessive illumination onto adjacent properties, streets or sidewalks.

C. Installation

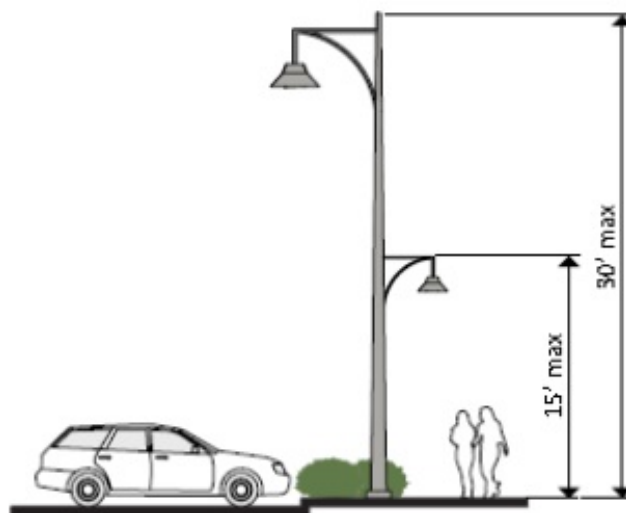
All lighting fixtures and poles within a single development shall be consistent in style, color, size, height, and design and are compatible with the architecture character of the development. Service connections for all freestanding lighting fixtures must be installed underground.

(Ord. [071618F](#), 07/19/2018; Ord. [031626C](#), 04/20/2026)

Effective on: 4/20/2026

Sec. 6.5.4. Parking & Pedestrian Areas

- A. Light fixtures within parking and vehicular areas may be no higher than 30 feet.
- B. Light fixtures within pedestrian areas may be no higher than 15 feet.

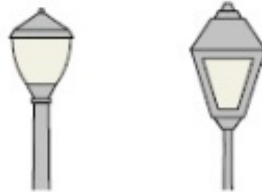


- C. Light fixture located within 50 feet of a property line of a residential zoning district may be no higher than 15 feet.
- D. Light fixtures in parking and vehicular display areas must be full cutoff.



E. In all other areas, light fixtures with more than 2,000 lumens must be full cutoff unless they meet the following:

1. Decorative, non-cutoff fixtures can be used when the maximum initial lumens generated by each fixture does not exceed 9,500 lumens;



2. If the unshielded fixture has all metal halide, fluorescent, induction, white high-pressure sodium and color-corrected high-pressure sodium lamps, the outer lamp envelope must be coated with an internal white frosting to diffuse light;
3. All metal halide fixtures equipped with a medium base socket must use either an internal refractive lens or a wide-body refractive globe; or
4. All non-cutoff fixture open-bottom lights must have equipped with full cutoff fixture shields.

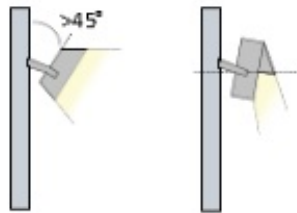
F. To the extent possible, as determined by the Director, Internal light sources within structured parking shall not be visible from the adjacent public right-of-way. Rooftop lighting for parking structures shall be no more than 15 feet above the rooftop parking surface and shall be mounted a minimum of 15 feet in from the edge of the structure.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 6.5.5. Flood Lights & Flood Lamps

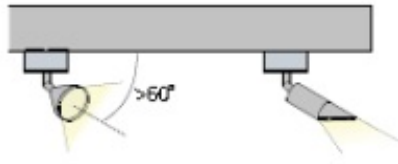
A. Flood light fixtures must be either aimed down at least 45 degrees from the vertical or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.



B. Any flood light fixture located within 50 feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees.



- C. All flood lamps emitting 1,000 or more lumens must be aimed at least 60 degrees down from horizontal or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.



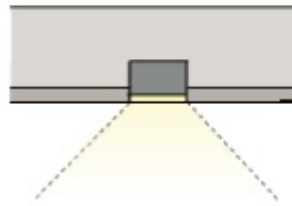
(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

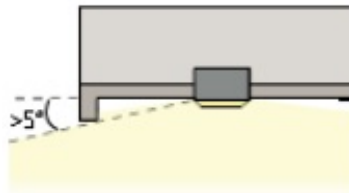
Sec. 6.5.6. Canopy Lighting

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

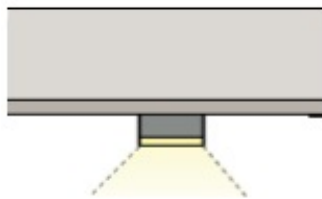
- A. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom of the surface canopy;



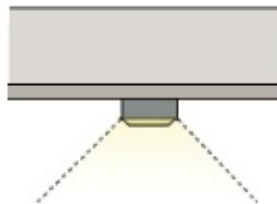
- B. Lighting fixture incorporating shields or is shielded by the edge of the canopy itself;



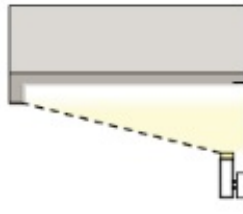
- C. Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution;



- D. Surface mounted fixture measuring no more than 2 feet by 2 feet, with a lens cover that contains at least 2% white fill diffusion material; or



- E. Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.



(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.5.7. Sports & Performance Venues

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

- A. Sport field lights shall not exceed 100 feet in height.
- B. All lighting fixtures shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
- C. The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.5.8. Building & Security Lighting

- A. Lighting Fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building façade, plantings and other intended site features and away from adjoining properties and the street right-of-way.
- B. All wall pack fixtures must be full cutoff fixtures.



- C. Only lighting used to accent architectural features, landscaping, or art may be directed upward, if the fixture is located, aimed or shielded to avoid light spill into the night sky.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.5.9. Pedestrian Lighting

- A. The primary building frontage for all single/two-story, multi-tenant commercial buildings and big box tenant spaces shall feature Pedestrian Scaled lighting.
- B. Decorative light fixtures shall be provided along entrance drives, public rights-of-way, buildings, and pedestrian pathways. Natural areas or conservation areas are exempt from this requirement.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.5.10. Seasonal Lighting of Religious Symbols

- A. Existing or temporary religious symbols may have additional lighting installed on a temporary basis not to exceed 30 calendar days per year.

B. This additional lighting shall not be in conflict with any standards of this section.

(Ord. [031626C](#), 04/20/2026)

Effective on: 4/20/2026

Article 6.6. Height Encroachments

Contents:

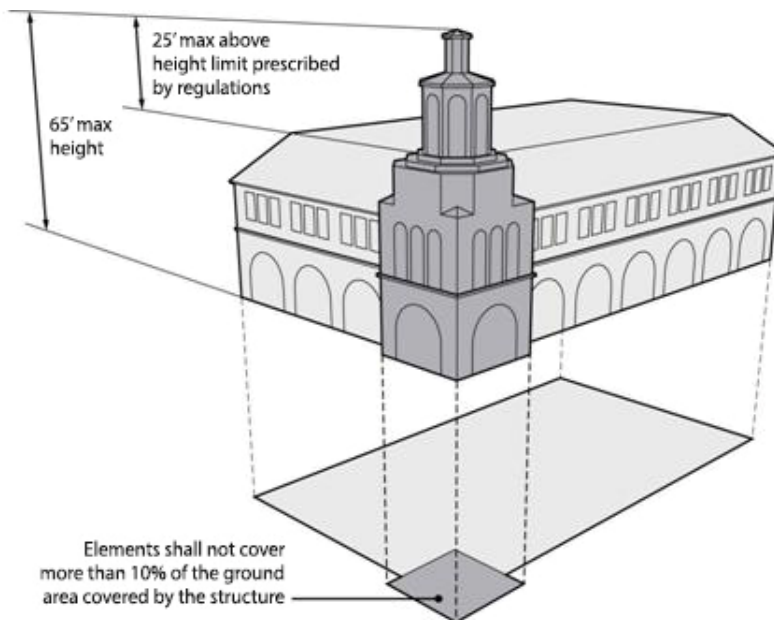
Sec. 6.6.1. Height Encroachments

Sec. 6.6.1. Height Encroachments

A. Height Encroachments

Any height encroachment not specifically listed below is expressly prohibited, except where the Director determines that the encroachment is like a permitted encroachment listed below:

1. Church steeples, bell towers, and religious symbols may extend up to a total height of 60 feet.
2. Heights of towers, spires, cupolas, chimneys, water tanks, flagpoles, monuments, scenery lofts, fire towers and similar structures may exceed the height limit based on the following:
 - a. Shall not cover more than 10% of the ground area covered by the structure.
 - b. Shall not exceed 65 feet or more than 25 feet above the height limit allowed in the zoning district for which the building or structure is located, whichever is less.



3. Amateur radio antennas shall not exceed 75 feet measured from the finished lot grade.
4. The maximum height for any utility or telecommunication tower is established per [Sec. 5.3.3. Utilities](#).
5. A rooftop garden or landscaping may be allowed on top of the roof that is built to the maximum building height.
6. Mechanical equipment and elevator bulkheads, when mounted on a roof, may extend 10 feet above the roof's highest point, but shall be:
 - a. Located such that they are not visible from adjacent private and public streets, or
 - b. Shielded from view with a parapet or other architectural feature such that they are not visible from adjacent private or public streets; or
 - c. Constructed with the same exterior building materials as the structure; or
 - d. Architecturally integrated into the building's designs as to not look like mechanical equipment or an elevator bulkhead.

Article 6.7. Landscaping Standards

Contents:

Sec. 6.7.1. Purpose & Intent

Sec. 6.7.2. Applicability

Sec. 6.7.3. General Landscaping Standards

Sec. 6.7.4. Tree Canopy Coverage

Sec. 6.7.5. Buffer Yards

Sec. 6.7.6. Lot & Foundation Plantings

Sec. 6.7.7. Street Trees

Sec. 6.7.8. Retention and Detention Facilities Landscaping

Sec. 6.7.9. Stormwater and Low Impact Development (LID) Landscaping

Sec. 6.7.1. Purpose & Intent

The intent of the landscaping standards is to reach the following goals:

- A. To preserve and protect natural areas and sensitive environments and encourage native planting that protect biodiversity.
- B. To protect and preserve trees and landscaping and install new ones that increase property value, provide habitat for local wildlife, clean the air, calm traffic, reduce and mitigate stormwater runoff, provide shade and reduce the urban heat island effect, enhance people's enjoyment of the outdoor spaces, and otherwise enhance quality of life.
- C. To promote the prudent use of water and energy resources through sustainable functional landscapes. Protect sensitive areas such as waterways and other natural resources.
- D. To increase the compatibility of adjacent uses and minimize the adverse impacts created by abutting uses.
- E. To minimize harmful impacts of noise, dust, headlight glare, artificial light intrusions, and other objectionable activities.
- F. To provide for healthy, long-lived trees and landscaping within the public way or along private vehicular areas to create a buffer between pedestrians, bicyclists, and vehicular movement.
- G. To foster aesthetically pleasing developments.
- H. To design landscaped areas that do not interfere with the safe vehicular, bicycle, and pedestrian circulation on the site.

(Ord. [071618F](#), 07/19/2018; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

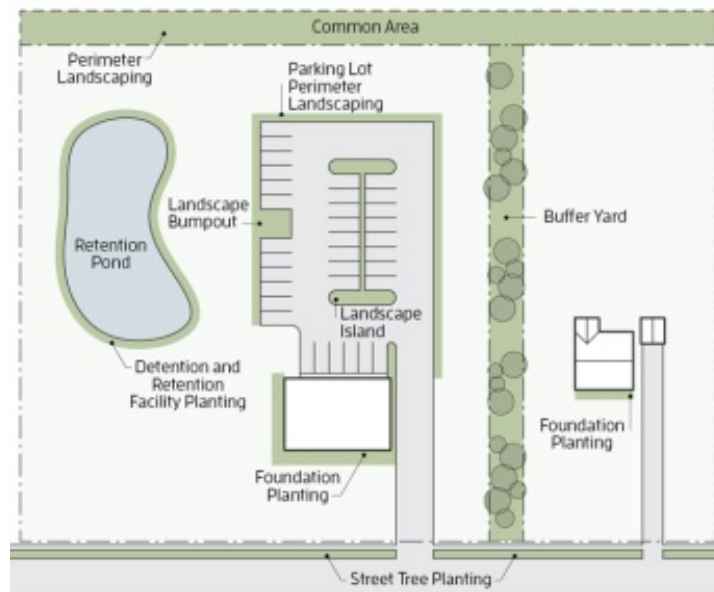
Sec. 6.7.2. Applicability

A. General

This Article shall apply to development in all zoning districts. Plantings and landscaping features required in this Article shall be subject to inspection to verify continued compliance with this Article.

B. Defined

Those places on a lot or abutting right-of-way that are identified for application of landscaping regulations. Landscape areas include: street tree planting areas, parking lot planting areas, foundation planting areas, buffer yard areas, common area, retention pond planting areas, and perimeter planting areas (see following image).



C. Additions

1. A building or site may be renovated or repaired without providing additional landscaping, provided there is no increase in gross floor area or improved site area.
2. When a building or site is increased in gross floor area or improved site area by less than 20%, landscaping is required for the additional floor area or site area only.
3. When the gross floor area or improved site area is redeveloped, altered, or increased by more than 20%, both the existing use and the additional floor or site area must conform to the landscaping requirements of the UDO.

D. Landscape Plan Required

Landscape plans shall be submitted for review and approval as part of any permit for land permit for development. Landscape plans shall be designed and planned concurrent with utilities in new development to avoid placement conflicts.

1. Landscaping plans shall include provisions for the following types of landscaping, as applicable:
 - a. Tree Canopy Plan
 - b. Existing Vegetation to Preserve
 - c. Interior and Perimeter Parking Lot Landscaping
 - d. Foundation Landscaping
 - e. Landscape Buffer Yards & Screening
 - f. Detention and Retention Facility Landscaping
 - g. Street Trees
 - h. Common Areas Landscaping

2. All landscape plans shall contain the following information, unless specifically waived by the Director:
- a. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, curbs, bicycle paths, ground signs, trash receptacle enclosures and recycling areas, bicycle parking areas, fences, freestanding electrical equipment, recreational facilities, power lines (identify type of line such as transmission), transformers, irrigation systems, and other freestanding structural features including Structural Stormwater BMP's as determined necessary by the Director.
 - b. On the adjacent properties within 20-feet of the site, include the location of existing buildings, structures and plant materials, unless waived by the Director. Include location, type, quantity, size, and name of plant materials.
 - c. The location, type, quantity, size and name (both botanical and common), of all existing plant materials. The notation of all trees with a diameter of six (6) inches or greater at a point four (4) feet above grade, as well as details of the estimated canopy size, health, and whether the tree is to be retained or removed.
 - d. The location, type, quantity, size and name (both botanical and common), of all proposed plant materials including but not limited to trees, shrubs, groundcover, annuals/perennials, and turf. The canopy spread shall be denoted on the plans for all trees.
 - e. Existing and proposed grading of the site indicating contours at two (2) foot intervals. Proposed berming shall be indicated using one (1) foot contour intervals.
 - f. Elevations of all fences and retaining walls proposed for location on the site.
 - g. Elevations, cross-sections, and other details as determined necessary by the Director.
 - h. Summary data indicating the following information, when applicable:
 1. Total area of the site in square feet.
 2. Total proposed impervious area of the site in square feet and as percentage of the site.
 3. Total landscaped area in square feet and as a percentage of the site.
 4. Proposed tree canopy coverage in square feet and as a percentage of the impervious area/common area, whichever is applicable. This table may include the amount of preserved/retained existing tree canopy on site and adjacent to the site that meets the requirements in this UDO.
 5. A table that states the minimum required and provided landscaping per landscaped area kind (e.g., foundation planting, street planting, landscape buffer, etc.) and per entire site. The information in the table may include the number of trees, shrubs, native grasses, tree canopy coverage and any other landscaping required by this UDO.
 6. A table that states the following information per species: name (ordinary and botanical), proposed number, size at installation, and mature spread of trees (diameter and square feet of canopy).
 7. Total preserved natural/wooded areas within the development.
 - i. Where the required landscape area exceeds one thousand (1,000) square feet in aggregate, the landscape plan must be prepared by a licensed landscape architect. A landscape contractor may prepare the landscape plan for either a ground sign application or a designation sign application only.

E. Alternative Landscape Plan

1. Alternative landscape plans, materials, or methods may be justified due to natural conditions, such as streams, wetland areas, topography, and physical conditions related to the site. Lot configuration and utility easements may justify an alternative landscape plan, as well as impractical situations that would result from application of this Article.
2. The Director shall approve an Alternative Landscape Plan if it meets the purpose and intent of the landscaping standards in this Article. Allowable deviations from the standards of this Article include, but are not limited to the following:
 - a. An adjustment to planting locations or reduction of up to 20% in the type or total number of required trees may be allowed when underground connections to public facilities or public utilities, or public easements or right-of-way, are located upon or near the parcel.
 - b. A reduction in the count, spacing, or planting type standards by up to 20% may be allowed where the reduction is desirable in terms of protection of existing natural resources, better consistency with the goals of the Comprehensive Plan, or a site design that exceeds the quality of what would otherwise result under a strict application of the standards in the UDO.
 - c. A reduction in the count, spacing, or planting type standards by up to 20% may be allowed where the reduction will help preserve or protect existing natural features such as wildlife habitat or unique ecosystem features.
3. The installation of required landscaping during redevelopment of existing nonconforming sites shall occur in accordance with Article 2.3. Nonconformities.

(Ord. 071618F, 07/19/2018; Ord. 031725C, 04/21/2025)

Effective on: 4/21/2025

Sec. 6.7.3. General Landscaping Standards

A. Irrigation Systems

The installation of irrigation systems is strongly encouraged to ensure establishment and long-term survivability of plant material.

B. Placement

Except for street trees, landscape material shall not be planted or placed in rights-of-way or easements without permission from the City or the easement holder unless otherwise required by the UDO. Required landscaping shall be in landscape easements or designated common areas that are exclusive of utility or drainage easements. A tree canopy may project over a right-of-way or easement.

1. **Vision Clearance.** Landscape material exceeding three (3) feet in height shall be located outside of the vision clearance triangle as defined in Article 6.20. Vision Clearance Standards.

2. **Arrangement.**

- a. Except for street trees, a natural or irregular row and spacing of trees is preferred. However, trees shall be planted no more than 20 feet apart. A plant list including a “living fence” category is included in the City of Fishers Approved List of Recommended Species. Plant material shall be installed within the buffer yard within the setback. On sites three (3) or more acres in area, buffer yard planting materials may be established outside the buffer yard if the Department working with the petitioner determines that a more flexible planting arrangement will better serve the intent of the buffering.
- b. A reasonable attempt to screen the most obnoxious, noise producing, unsightly, tallest, most intrusive or most visible parts of buildings on the subject property should be made.

C. Protection of Vegetation

Development of a property shall take reasonable measures to design and locate proposed buildings and related infrastructure in a manner that minimizes the destruction of trees. When wooded areas, tree rows or specimen trees are designated to be conserved or have been included in the commitments, the developer shall take the following measures:

1. Prior to the commencement of grading or construction, install highly visible (orange) construction fencing, or other approved identification method, at least three (3) feet outside the drip line of the trees to protect the trees during the entire duration of construction.
2. Avoid injuring roots when installing anchoring posts for fencing.
3. Post signs clearly identifying the plant protection zone.
4. Construction activities shall be prohibited within the tree protection zone, a three-foot minimum radius surrounding the dripline of the tree.
5. No equipment or supply storage, equipment movement, rest or picnicking area, or any land disturbing activities shall be allowed in the tree protection zone.

D. Recommended Species

Plant material shall be selected from the [City of Fishers Approved List of Recommended Species](#). Proposals for additions and substitutions to the list may be submitted to the Department for approval as the list is intended to be a guide and is not inclusive of all appropriate selections available.

E. Invasive and Poor Characteristic Species

Species identified in [Exhibit LA-B: Invasive and Poor Characteristic Species of the City of Fishers Approved List of Recommended Species](#) shall be avoided and shall not be counted toward landscaping requirements for projects requesting any permit. Some species identified in [Exhibit LA-B: Invasive and Poor Characteristic Species](#) may be suitable for naturalizing in natural areas on a limited basis.

F. Minimum Size at Installation

Minimum sizes shall apply to plant materials throughout this Article.

1. **Deciduous Tree.** 2½" caliper measured using standard nursery practices.
2. **Evergreen Tree.** Six (6) feet tall.
3. **Shrub.** Three-gallon container size or two (2) feet tall from the adjacent ground level. Ornamental grasses may be used to satisfy shrub planting requirements: however, all ornamental grasses must be at least two (2) feet tall from the adjacent ground level and have a mature height of at least three (3) feet. No more than 30% of the shrub planting requirement may be fulfilled by ornamental grass plantings.

G. Live Plantings

All plant material shall be living species. Dead, diseased or artificial plants shall not be recognized by the City as contributing to required landscaping.

H. Substitution

Whenever a requirement states evergreen trees are required, another type of tree may be approved by the Director if there is evidence that the planting area will be too wet for evergreen trees.

I. Landscape Installation Extension

Upon request, the Director may grant an extension of up to 180 days for the complete installation of landscaping materials due to seasonal or weather conditions which preclude the quality installation of plant materials. As a condition of the extension, the Director may require a performance bond, letter of credit, or other satisfactory assurance from the person requesting the extension.

J. Maintenance

Trees, vegetation, irrigation systems, fences, walls and other landscape material are essential elements of a project. The developer and/or landowner, and their successors in interest are responsible for the regular maintenance of all landscaping elements such that they are kept in good condition. Specifically:

1. All plant material shall be maintained alive, healthy, and free from disease and pests.
2. All landscaped areas shall be free of weeds, litter, graffiti, and similar signs of deferred maintenance.
3. All landscape structures such as fences and walls shall be repaired or replaced periodically to maintain a structurally sound condition.
4. The maintenance and routine care of plant material located within the rights-of-way shall be the responsibility of the adjacent property owners. For purposes of this Article, maintenance and care shall include but not be limited to pruning, watering, fertilizing, and mulching, or any item that would constitute a safety hazard to pedestrian or vehicular traffic.

K. Overlapping Requirements

If areas required to be landscaped by two or more provisions of the UDO overlap each other, the provision requiring the greater amount of planting in that area shall apply.

L. Existing Vegetation Credit and Bonus

1. If existing vegetation can meet the requirements of this Article, it may be credited towards meeting the requirements in this Article. Preserved vegetation shall meet the standards in subsections [6.7.3.D. Recommended Species](#), [6.7.3.E. Invasive and Poor Characteristic Species](#), and [6.7.3.G. Live Plantings](#).
2. Existing vegetation shall be credited towards required landscaping based on the following values:
 - a. **Deciduous Trees.** A credit of one tree per every deciduous tree that measures at least four (4) inches DBH.
 - b. **Evergreen Trees.** A credit of one tree per every evergreen tree that is at least eight (8) feet tall.
 - c. **Shrubs.** A credit of one shrub per every existing qualified shrub.
 - d. **Tree Canopy Coverage.** The existing tree canopy may be credited towards meeting the tree canopy coverage requirement. The trees included into the canopy coverage calculation shall be the existing trees that meet the standards of subsections [6.7.3.L.2.a. Deciduous Trees](#) or [6.7.3.L.2.b. Evergreen Trees](#). The canopy coverage under the existing trees shall be surveyed and measured along the dripline of the trees.

M. Low Impact Development.

LID stormwater BMP may be incorporated into the design of the required landscaping provided the site conditions make LID feasible, and that the intent of the required landscaping is not compromised. LID landscaped areas shall meet the standards in this Article unless specifically exempt.

N. Species Variation.

1. Trees. When more than ten (10) trees are required on a site to meet these regulations, a mix of tree species shall be required with no one species of tree making up more than 30 % of the total number of trees.
2. Shrubs. When more than thirty (30) shrubs are required on a site to meet these regulations, a mix of shrub species shall be required with no one species of shrub making up more than 30 % of the total number of shrubs.

O. **Ground Cover**

- 1. Turf grass and other vegetative ground cover shall be used for all landscaped areas, except that parking lot islands smaller than 40 square feet, and areas within 6 inches of a building foundation may use decorative mulch or stone.
- 2. Except as provided in [Sec. 6.7.3.O.1.](#), decorative mulch or stone shall not be used as groundcover except one foot beyond the dripline of shrubbery and shall be no more than six feet in diameter surrounding trees.
- 3. A different amount and placement of non-living ground cover like stone or gravel may be permitted by the Director as part of an approved LID landscaped area designed, installed and maintained in conformance with the Stormwater Technical Standards Manual.

P. **Soil Condition and Planting Beds.** To ensure conditions for proper growth and survival of the plantings, the planting beds and strips shall meet the following standards:

- 1. All landscaping shall be planted in uncompacted soil at least 2 feet in depth.
- 2. All landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops. Curbs may be provided with openings to accommodate surface collection of stormwater runoff in vegetated swales and detention facilities.
- 3. The minimum width of any planting area, bed, landscaped island and such to accommodate tree growth shall be:
 - a. 3 feet for small trees.
 - b. 5 feet for medium trees.
 - c. 8 feet for large trees.

(Ord. [071618F](#), 07/19/2018; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.7.4. Tree Canopy Coverage

A. **Purpose.** The intent of this section is to retain or plant vegetative canopy of such trees, that when they reach maturity, they create a significant canopy over the city as a whole and provide shade at each individual development.

B. **Applicability.** Tree canopy standards apply to developments with over 25,000 square feet of finished floor in multi-family and non-residential zoning districts.

C. **Tree Canopy Coverage Requirements**

- 1. The minimum tree canopy coverage shall be provided as follows:

Table 6.7.4.A Required Tree Canopy Coverage	
District	Canopy Coverage
MF	25 % of the impervious areas on the lot
C1, C2, C3	35 % of the impervious areas on the lot
EN, I1	25 % of the impervious areas on the lot
Overlay Districts	The canopy coverage requirement of the base zoning district(s) shall apply.

Table 6.7.4.B Canopy Coverage by Tree Size		
	Mature Spread Diameter, feet	Canopy Size, square feet
SMALL	15-20	200
	25-30	500
MEDIUM	35-45	1,200
	50	1,500

	55-65	2,500
LARGE	70	3,500
	75-90	4,700
	95	6,000
	100->100	7,500

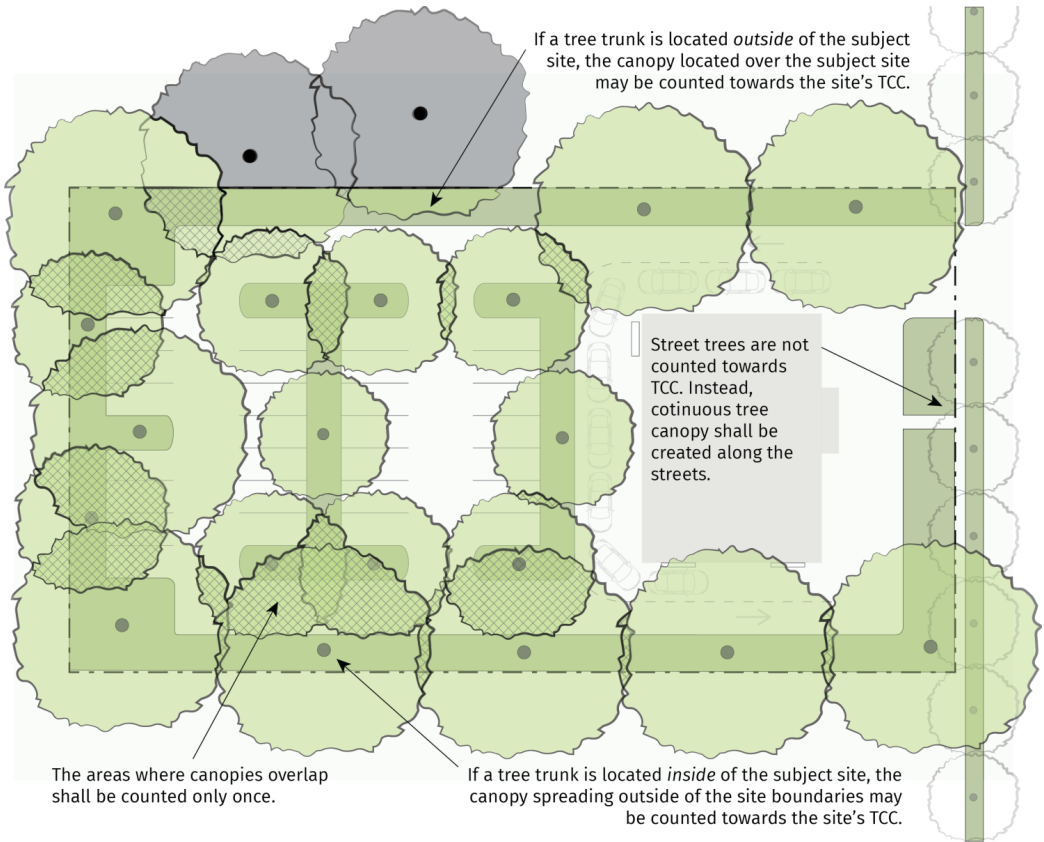


Figure 1. How to calculate Tree Canopy Coverage

2. Computing Tree Canopy Coverage.
 - a. The canopy coverage by tree’s maximum spread size is as presented in Table 6.7.4.B “Canopy Coverage by Tree Size”.
 - b. The areas where canopies overlap shall be counted only once towards the total canopy coverage.
 - c. In any case where tree canopy exists underneath a larger tree canopy coverage, only the outermost perimeter of the combined canopy shall be included in the total amount of canopy.
 - d. In any case where the trunk of the tree is located entirely, or partially within the boundaries of the subject site, any portion of the canopy area that falls outside the boundaries of the subject site shall nevertheless be included in the total amount of canopy, and the area of the existing site shall remain unchanged.
 - e. In any case where the trunk of the tree is located entirely outside of the boundaries of the subject site, only the portion of the canopy area that falls inside the boundaries of the subject site shall be included in the total amount of canopy.
 - f. When using the canopy of existing trees to satisfy the requirements of subsection (1) above, all development shall:
 1. Use the values contained in Table “Canopy Coverage by Trees” for every tree that may be credited towards meeting the requirements of this Article; or
 2. Clearly depict the total canopy coverage applicable to the subject site on a site survey or site plan as part of the Tree Canopy Plan.

D. Substitutions

The Director may permit the reduction of the tree canopy coverage by up to 50 % of the minimum required tree canopy area if the applicant provides an equivalent area of the improvements by using any of the following options, alone or in combination:

1. Low Impact Development Stormwater Management

The development site may provide low impact development stormwater management by installing permanent infiltration or collection features (e.g., swale, culvert outfall, rainwater cistern) that meet the requirements of the Stormwater Technical Standards Manual.

2. Light Colored Hardscaping

The development site may incorporate light-colored hardscaping with a solar reflectance index (SRI) of 86 or greater. The SRI shall be calculated in accordance with [ASTM E1980](#).

3. Covered Parking.

- The development site may provide parking spaces under cover, and any roof used to shade, or cover parking shall either i) have a three-year aged SRI of at least 78 or ii) Be covered by energy generation systems, such as solar energy systems.
- Parking calculations shall include all existing and new off-street parking spaces that are leased or owned by the project, including parking that is outside the project boundary but is used by the project. On-street parking in public rights-of-way is excluded from these calculations.
- Parking spaces within a parking structure shall count toward meeting this standard.

4. Solar Energy, Cool, or Vegetated Roof

The development site may provide a roof meeting the standards in subsections (a), (b), (c) or (d) below. Roofs containing vegetation must follow landscaping standards pursuant to subsections [6.7.3.B Recommended Species](#), [6.7.3.C: Invasive and Poor Character Species](#), and [6.7.3.D.Live Plantings](#).

- Solar Energy:** Install an on-site solar energy system covering an area anywhere on the building(s), accessory structure(s) or lot, or an area equal to or greater than an amount required to provide 40 percent of estimated annual average electricity used in all primary buildings. Other renewable energy devices may be used in place of on-site solar panels so long as evidence of equivalent electricity generation capacity is provided.
- Cool Roof:** Install a cool roof using roofing materials that have an aged SRI equal to or greater than the values in [Sec. 6.7.4.C. Tree Canopy Coverage Requirements](#). If aged SRI is not available, the roofing material shall have an initial SRI equal to or greater than the values in Table 6.7.4.C.

Table 6.7.4.C Minimum Solar Reflectance Index (SRI)

	Slope	Initial SRI	Aged SRI
Low-sloped roof	< 2:12	82	64
Steep-sloped roof	> 2:12	39	32

- Green Roof:** Install a green roof. Use plant species from the “Recommended Plant List for Vegetated Roofs” of the Stormwater Technical Standards Manual. Use the vegetated roof materials from the “Recommended Materials” list and follow the design guidelines in the “Vegetated Roof” BMP Fact Sheet section of the Stormwater Technical Standards Manual.
- Combination Roof:** Install a combination solar energy, cool roof and/or green roof, with each portion meeting the applicable standards in subsections a, b, and c above, and together providing for a total area of the substituted tree canopy coverage.

(Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.7.5. Buffer Yards

A. Applicability

The buffer yard standards only apply along the property lines (front, side, and rear) where conflicting/dissimilar uses or zoning districts meet. The width of the buffer yard is in addition to required setbacks. Existing mature vegetation shall be credited toward the requirements.

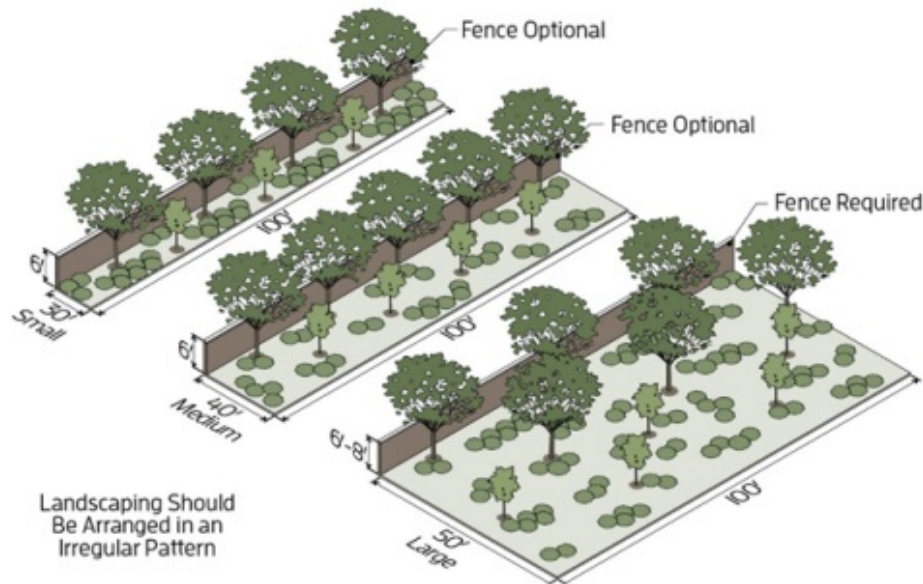
B. Responsibility for Installation

The property which is zoned for higher intensity uses is responsible for installing the buffer yard.

C. Buffer Yard Types

There are three types of buffer yards as described below. Minimum requirements for each type are set forth in the following table.

1. **Small.** A small buffer yard is required where single-family uses abut a multi-family, institutional, or office uses.
2. **Medium.** A medium-sized buffer yard is required where single-family, multi-family, or employment mixed use abuts commercial uses.
3. **Large.** A large-sized buffer yard is required where single-family, multi-family, mixed use, or commercial uses abut industrial uses.
4. **Infill.** A buffer yard is required when infill development abuts existing uses.



D. Buffer Yard Standards

Buffer Yards	Infill Development	Small	Medium	Large
Width (min)	10'	30'	40'	50'
Canopy Trees (min per every 100 feet of buffer length) ¹	4 Canopy Trees or Evergreen Trees	5	4	6
Evergreen Trees (min per every 100 feet of buffer length)		3	5	5
Tree Location	5'-15' from property line	5-15' from property line	up to 25' from property line	Within 25' from property line
Shrubs (min per every 100 feet of buffer length)	5	5	10	15
Undulating Mounds Height (min/max)	N/A	3' / 8'	4' / 8'	4' / 8'
		Total 60% of the distance contiguous to the		

Undulating Mounds Length (min)	N/A	conflicting zoning district or use.		
Fencing	Permitted up to 6'	Permitted up to 6'	Permitted up to 6'	Required. 6' min / 8' max
1. Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet of contiguous boundary with the conflicting zoning district or use.				

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [011822](#), 02/21/2022; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.7.6 Lot & Foundation Plantings

A. Lot Plantings Defined

Lot Plantings include parking lot perimeter landscaping, interior, terminal and median islands, and other landscaped areas that are not considered street trees or buffer yards. shall comply with the following requirements:

Lot Planting	Lot Size			
	< 6,000 sf	6,000-15,000 sf	15,000-45,000 sf	> 45,000 sf
Total Trees (min)	1	2	3	3 + 1 per 15,000 sf of lot area over 45,000 sf
Tree Location	front yard or side yard within the lot	Within 10' of building line	-	-
Canopy Trees	-	-	1	1/3 of total trees

B. Lot Landscaping

1. Parking lot landscaping shall be designed and installed pursuant to [Sec. 6.11.4. Parking Area Landscaping](#).
2. The minimum number of trees provided on the lot shall be in the amount that helps achieve the required Tree Canopy Coverage for the entire development site pursuant to Sec. 6.7.4. Tree Canopy Cover and meet the requirements in [Sec. 6.11.4. Parking Area Landscaping](#).

C. Foundation Planting

The following foundation planting requirements apply to primary structures:

1. The foundation plantings shall be located within 20 feet of the foundation wall.
2. At least one (1) shrub and/or ornamental tree shall be planted for every 10 lineal feet of building circumference. Non-residential buildings may exclude the dock openings.
3. All lots shall have a minimum of four (4) shrubs planted along the foundation facing a street. Corner lots shall install four (4) shrubs per side facing a street.

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.7.7. Street Trees

A. Street Trees

The following street tree requirements shall apply:

	Quantity	Maximum Distance Between Trees	Location
Interstate and State Highways	1 canopy or evergreen tree per 60 linear feet of property contiguous to the highway	75'	Within 15' of the property line abutting the highway

Arterial and Collector Streets	1 canopy tree per 50 linear feet of property that abuts public right-of-way	60'	Sec. 6.7.7.C.
Local Streets – Single-family Lots	1 canopy tree per lot frontage	N/A	
Local Streets – Common Area	1 canopy per 40 linear feet that abuts public right-of-way	50'	

B. Arterial, Collector, and Local Streets

1. Trees along an arterial or collector street shall be planted in a planting strip between the curb and sidewalk. If a planting strip is not available, then the trees shall be planted within the outer 10 feet of right-of-way. If space is not available within the outer 10 feet of right-of-way, then the trees shall be planted on the abutting property within 10 feet of the right-of-way and may be credited toward applicable perimeter planting.
2. Trees along a local street may be planted in a front yard of the lot(s) or within the planting strip in the right-of-way.

C. Minimum Distance from Sidewalk

Trees shall be planted at least 4 feet from a sidewalk.

D. Vision Clearance

Within 75 feet of an intersection, trees may be planted at the back of sidewalk to maintain site distances for traffic control signs. Low-branching species shall not be allowed within 75 feet of an intersection. Trees shall be located a minimum of 10 feet from a driveway cut or street light, and a minimum of three (3) feet from a fire hydrant. Also see [Article 6.20. Vision Clearance Standards](#).

E. Escrow

When circumstances prevent the planting of street trees, the developer shall provide the City an itemized estimate, prepared by a certified arborist, a nurseryman, or a licensed landscape architect, of the cost of the required street trees and the labor to install the trees. The estimate shall be reviewed by the City and either accepted or adjusted. Once a figure for the acquisition and installation of the street trees has been finalized, the developer shall submit 110% of that amount to the City, which shall deposit the sum into an escrow account established by the City for funding street tree plantings. The funds submitted by the developer shall be used exclusively for installing the required street trees along the public street frontages adjacent to the subject property. If after two (2) years from the date of the submission of the escrow funds the City has not established the street tree improvements, the developer may apply to the City for a full refund of the escrow deposit amount.

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.7.8. Retention and Detention Facilities Landscaping

- Defined.** Retention and Detention Facilities landscaping is landscaping around the basin of a retention/detention facility including a combination of shrubs, trees, ornamental grasses, and emergent plant species that thrive in the littoral zone of these facilities.
- Purpose.** The intent of this section is to reduce soil erosion; provide additional stormwater management benefits; provide for an opportunity to create Salutogenic Amenity features; provide for an opportunity to add tree canopy; provide for an opportunity to increase natural biodiversity; and preserve and/or provide an ecologically functioning environment.
- Applicability.** These standards shall apply in any new development that includes construction of a detention/retention facility.

D. Design Requirements:

1. Vegetation types.

- a. Use plant species from the “Recommended Plant Lists for Best Management Practices” of the Stormwater Technical Standards Manual for the species best fitted for the conditions in the retention and detention basins.
- b. Existing native and non-invasive vegetation should be preserved where possible.
- c. Avoid plantings that will require routine or intensive chemical applications (i.e. turf area). Use low maintenance ground cover, native grasses and wildflowers as an alternative to turf.

2. Location.

- a. Vegetation shall be established around the entire perimeter of the facility on all side slopes primarily above the normal water line, provided it meets other requirements in this subsection and the requirements in the Stormwater Technical Standards Manual.
- b. Vegetation must not obstruct inlet/outlet structures and inflow/outflow piping area.
- c. Vegetation must not block maintenance access pathways.
- d. Vegetation should be placed in a manner that restricts pedestrian access to steep pools or slopes.
- e. Trees, shrubs and upland plantings are to be located above the normal water line; emergent or wetland plantings are to be located below the proposed normal water line.
- f. Trees shall not be within the basin area or on the slopes of the bank of a dry detention facility.
- g. Trees or deep-rooted vegetation must not be planted in any easement with storm drainage pipe.
- h. Trees or shrubs known to have long taproots should not be planted within the vicinity of an earthen dam or subsurface drainage facilities.
- i. Trees, shrubs, and/or any type of woody vegetation is not allowed on structural embankments.
- j. All emergency spillways should be stabilized with plant material that can withstand strong flows. Root material should be fibrous and substantial and lack a taproot.
- k. Trees and shrubs shall be planted at least twenty-five (25) feet away from a principal spillway structure.
- l. Trees and shrubs shall be planted at least fifteen (15) feet away from the toe of slope of a dam.

E. Maintenance.

1. **Signage.** Areas that were approved to have plantings that look like tall grasses (e.g., native grasses, native ground cover, prairie grasses) shall be protected from mowing by installing “No mow” signs by such areas. A sign plan shall be submitted with the ILP application showing a sign graphic and a sign plan.
2. **Covenants.** Applicant shall submit maintenance covenants for review with the applicable petition or permit. The covenant language shall indicate that the plantings around the detention/retention facilities shall be protected and maintained in perpetuity.

(Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.7.9. Stormwater and Low Impact Development (LID) Landscaping

- A. **General Standards.** In addition to meeting landscape requirements of this Article, vegetated site features designed using LID approaches shall follow applicable standards and guidelines of the Stormwater Technical Standards Manual.

B. **BMP Easement.** When landscaping is used as a Stormwater Best Management Practice (BMP), the BMP must be an exclusive “BMP Easement” to prevent damage from other utility work or encroachments and/or from the space becoming reallocated for other purposes and to ensure perpetuity of the BMP.

1. Such easement shall be located only in common areas.
2. Such easement shall be included into the BMP Maintenance Agreement recorded against the property and placed as a Certificate on the final plat if applicable.
3. BMP Easement Agreements or Certificates shall be cross referenced in any covenants and restrictions.
4. The content of the agreement and certificates should be guided by the Stormwater Technical Standards Manual and the City Attorney.

C. **Signage.** Where vegetated site features serving a stormwater management purpose are installed, signs must be installed indicating the area should not be mowed. A sign plan shall be submitted with the ILP application showing a sign graphic and a sign plan.

(Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Article 6.8. Lot Standards

Contents:

Sec. 6.8.1. General

Sec. 6.8.1 General

A. **Lot Area**

Lot area shall be as set forth by the [Zoning District](#) or Overlay District.

B. **Lot Width**

Lot width shall be as set for by the Zoning District or Overlay District.

C. **Minimum Dwelling Site Area**

Minimum dwelling site area shall be as set for by the Zoning District or Overlay District.

D. **Lot Frontage**

1. All Lots shall abut on a [street](#) or [private street](#) and shall have a minimum lot frontage as set forth by the Zoning District or Overlay District.
2. Double frontage lots that face an interior street of a [subdivision](#) but also have frontage on a perimeter collector street shall increase the side or rear [yards](#) which are affected by a minimum of 10 feet.

E. **Corner Lots**

Residential corner lots shall be of sufficient width to permit appropriate [building setback lines](#) and driveway setbacks from both streets (see also [Article 6.16. Setback Standards](#)).

F. **Minimum Lot Size Reduction**

If a lot is adjacent to a [right-of-way](#) that includes street trees within the right-of-way in accordance with [Article 6.7. Landscaping Standards](#), then the lot's minimum lot size, as established by the Zoning District in which the lot is located, may be reduced. the permitted reduction in minimum lot size shall be the lot's lot frontage multiplied by three (3) feet.

G. **Structures Per Lot**

One (1) [primary structure](#) is permitted on single-family lots within the ER, R1, R2, R3, R4 and R5 Zoning Districts.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Article 6.9. Open Space Standards

Contents:

Sec. 6.9.1. Purpose & Intent

Sec. 6.9.2. Open Space Standards

Sec. 6.9.3. Alternative Open Space Standards

Sec. 6.9.1. Purpose & Intent

The purpose and intent of this Article is to establish standards that set and maintain a minimum level of open space within the City, particularly with new development. This Article is not intended to limit creativity but to provide options to meet open space standards.

(Ord. [012120C](#), 02/17/2020)

Effective on: 2/17/2020

Sec. 6.9.2. Open Space Standards

A. The minimum open space required for each development shall be provided as described in the following table:

Minimum Open Space	
Zoning District and Development Type	Minimum Open Space Required
C1 & C2	5%
C3 & I1	10%
EN & PUD	20%

B. Open Space Allocation for Salutogenic Amenities.

- Developments in C1, C2, and C3 Zoning Districts shall incorporate Salutogenic Amenities in the following way:
 - At least 50 % of the minimum required open space shall be designed as a Salutogenic Amenity that has design features from at least two SA typologies, consistent with the Open Space Guide.
 - All public and employee entrances shall abut or be within a 660-foot walking distance from a Salutogenic Amenity.
 - One shaded seating area shall be provided for every 300 lineal feet of the Front Façade(s) of the building(s).
 - The rest of the open space may be developed using other design features described in subsections [6.9.2.C. Office Development](#) and [6.9.2.D Retail Commercial and Mixed-Use Development](#).
- PUD developments shall incorporate Salutogenic Amenities in accordance with [Sec. 8.4.6. Open Space](#).

C. Office Development:

- Open Space with public art, patio/seating areas, pedestrian plaza with benches, water feature, clock tower, or other such focal features.
- A patio, pocket park, or plaza with outdoor seating areas and include pedestrian amenities to support these places as gathering areas.
- Sidewalks, paths, or other pedestrian ways shall be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces.

D. Retail Commercial and Mixed-Use Development:

1. Open space with public art, outdoor playground areas, kiosk areas, water features, and patio seating areas shall be considered in the development scheme.
2. A patio, pocket park, or plaza with outdoor seating areas and include pedestrian amenities to support these places as gathering areas.
3. Open space may be located on a roof, balcony, or other area above ground level.
4. Sidewalks, paths, or other pedestrian ways shall be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces.

E. Industrial Development:

1. Industrial open space shall be provided through passive landscaping buffer areas and screening.
2. At least one Regular Salutogenic Amenity shall be provided per building.
 - a. This amenity shall abut the building or be within a 660-walkable distance from the employee entrance(s).
 - b. The amenity shall be at least 5,000 square feet.
 - c. The amenity shall provide at least two (2) picnic tables. At least one table shall be ADA-accessible.

(Ord. [012120C](#), 02/17/2020; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.9.3. Alternative Open Space Standards

A. Streetscape

Site Planning shall be designed in a manner where the street, adjoining building, sidewalks, parking lots, open space, and pedestrian amenities are connected. The roadside zone (area between street or parking lot and the edge of the building) shall contain a variety of urban design elements, including but not limited to, plazas, seating areas, and other public uses as well as street furniture, street trees, and other landscape features, and public art.

B. Open Space Allocation

The following open space amenities shall be used to comply with the minimum percentage required for each development type:

C. Drainage Areas

Detention and retention areas cannot be calculated towards the open space percentage requirement unless it is integrated into the overall open space design as a Salutogenic Amenity.

D. Alternative Open Space Standard

The developer may propose alternative forms of open space not specifically identified in this Article. Such proposals for alternative forms of open space shall be subject to approval per [Sec. 10.2.1. Administrative Alternative](#).

E. Public Art

The Director may reduce the required open space percentage by 25% for non-residential and mixed-use developments that provide public art (visible from a public right-of-way) as part of the development. The cost and maintenance of any public art is the responsibility of the property owner(s) (see also [Article 6.15. Public Art Standards](#)). Any art commitment as part of this reduction must be recorded on title so that the art requirement remains a requirement in perpetuity.

F. Payment-in-lieu

If the Director determines there is ample open space in close proximity to a new development, open space requirements can be lowered in exchange for fees to be applied to the nearby regional park; with such fees to be standard fees established by resolution, from time to time, by City Council.

(Ord. [012120C](#), 02/17/2020; Ord. [021720C](#), 05/18/2020; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Article 6.10. Outdoor Display & Storage Standards

Contents:

Sec. 6.10.1. Applicability

Sec. 6.10.2. Recreational Vehicles, Utility Trailers, & Watercraft

Sec. 6.10.3. Outside Storage

Sec. 6.10.4. Outdoor Sale Displays

Sec. 6.10.5. Incidental Recyclable Material Storage

Sec. 6.10.1. Applicability

No landowner or person leasing, occupying or having control of any real property used for residential purposes, shall keep, maintain, deposit, or perform to permit on such property the outdoor use, outdoor storage, or outdoor placement of miscellaneous auto-parts, household appliances, household furniture, or household furnishings, unless such items are designed for outdoor use. The term "outdoor" shall include porches, which are not completely enclosed by windows, walls, and/or screens.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.10.2. Recreational Vehicles, Utility Trailers, & Watercraft

A. Single-Family Residential

Storage or parking of recreational vehicles, as defined in [CHAPTER 12. DEFINITIONS](#), is subject to the following conditions:

1. No more than one (1) recreational vehicle shall be stored or parked outdoors on a residential parcel at any time.
2. The wheels may not be removed except for immediate repairs.
3. The vehicle shall be stored or parked behind or alongside the primary structure in such a manner that no part of any such vehicle shall project beyond the established front yard or required side setback lines of the lot.
4. The vehicle shall be kept behind an opaque fence of 6 feet in height.
5. At no time, shall such parked or stored vehicle be occupied or used for living, sleeping, or housekeeping purposes.
6. No portion of a recreational vehicle visible from adjacent properties or the rights-of-way shall be covered by a tarp or any other temporary covering.

B. Multi-Family Residential

Storage or parking of recreational vehicles, as defined in [CHAPTER 12. DEFINITIONS](#), is subject to the following conditions:

1. No more than one (1) utility trailer or watercraft shall be stored or parked outdoors on a residential parcel at any time.
2. The wheels may not be removed, except for immediate repairs.
3. The vehicle shall be stored or parked behind or alongside the primary structure in such a manner that no part of any vehicle shall project beyond the established front yard or required side setback lines of the lot.
4. The vehicle shall be screen from view by opaque fencing from adjacent properties and rights-of-way.
5. At no time, shall such parked or stored vehicles be occupied or used for living, sleeping, or housekeeping purposes.

(Ord. [071618F](#), 07/19/2018; Ord. [031626C](#), 04/20/2026)

Effective on: 4/20/2026

Sec. 6.10.3. Outside Storage

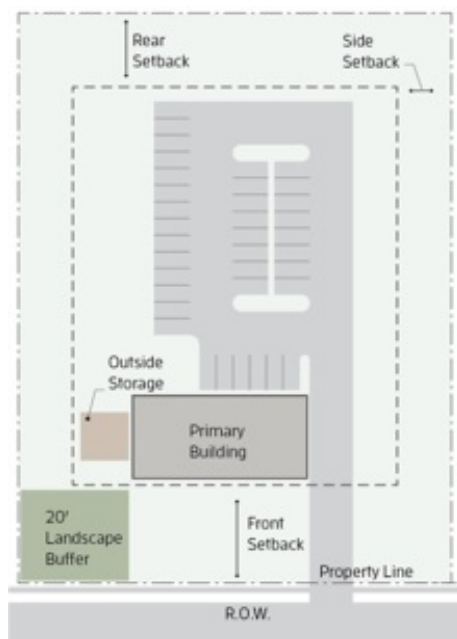
Outside storage in non-residential areas is permitted in accordance with the following:

A. Size

Outside storage area shall not exceed 50% of the main floor area of the primary structure or tenant space with which the outside storage is associated.

B. Location

1. Be located immediately adjacent to the primary building.
2. Not encroach into any required rear or side yard setback.
3. Not less than 20 feet from the front property line with a 20-foot landscape buffer between the front property line and the outside storage area. The landscape buffer shall be designed with a combination of grass, shrubs, trees and/or hedges. Site improvements for sidewalks, access cuts and driveways are allowed within the 20-foot landscaping area.



C. Improvements

Display areas shall be of concrete, asphaltic pavement, brick flagstone or comparable material and shall be maintained in good condition and an orderly manner.

D. Industrial Storage

All operations, services, processing and storage of raw, process or finished materials shall be conducted or stored only within enclosed buildings.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.10.4. Outdoor Sale Displays

A. Approval

Every permanent outdoor display area shall be reviewed and approved by the Department on a set of plans, along with any conditions in conjunction with that approval, and based on the following standards.

B. Size

The maximum area dedicated allowed for an outdoor display area shall be 5% of the main floor area of the primary structure or tenant space to which the outdoor display area is associated with. This allotment shall not be interpreted to be the combination of two (2) or more tenant spaces.

C. Location

	When not enclosed or screened	When enclosed or screened
1. Be fully contained within the <i>front</i> façade of primary structure	12'	20'
2. Be fully contained within the <i>side</i> façade of primary structure	20'	40'
3. Not in any way block a sidewalk, driveway or aisle for pedestrians or vehicles. All sidewalks and ramps shall be maintained as per the ADA regulations		
4. Under no circumstances shall any permanent outdoor display area encroach upon a required setback for a permanent structure.		

D. Screening Standards

Screening shall be installed using at least one (1) of the following standards:

1. Screening shall be provided to reduce visibility of the outdoor displays from the parking lot and primary roadways by installing a two-foot (2') to three-foot (3') wall constructed from the same building material as the primary structure, and integrated into the design of the primary structure; or
2. Screening shall be a 10-foot wide landscaped buffer with:
 - a. One (1) evergreen tree planted every eight (8) feet; and
 - b. One (1) shrub planted every 12 feet; and
 - c. One (1) deciduous tree planted every 15 feet along the perimeter of the outdoor sales or outdoor display area.
3. Required landscaping material may be arranged creatively for aesthetic purposes, but shall reasonably screen the permanent outdoor display area. The landscape materials shall be installed per [Article 6.7. Landscaping Standards](#), and shall be in addition to the minimum landscaping requirements.

E. Height of Display Standards

The maximum height of a permanent outdoor display shall be as prescribed below.

1. When products are displayed outside, and are stacked or on pallets, the maximum height is six (6) feet. This applies to merchandise like bags of salt, mulch, cases of soda, and the like.
2. All other products displayed outside shall not be over eight (8) feet in height.
3. Frames and racks that are used to display merchandise are exempt from this provision.

F. Exception

Outdoor sale displays for motor vehicles, boats, farm machinery, and the like shall be permitted and are not subject to the standards above.

G. Vending Machines

All exterior vending machines shall be screened from the view of any street, and shall be located under an awning or contained in a roofed shelter, stall or other structure that matches the architectural design of the primary building.

H. Violation

Permanent outdoor displays utilized beyond the boundaries and conditions of the approved permanent outdoor display areas are considered violations. Repeat violators are subject to revocation of their Permanent Outdoor Display Area Permit or other action pursuant to [CHAPTER 11. ENFORCEMENT & PENALTIES.](#)

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.10.5. Incidental Recyclable Material Storage

A. Applicability

The following standards shall apply to all non-residential properties unless otherwise expressly permitted within an industrial zoning district.

B. Limited Pallet Storage Permitted

Outdoor storage of pallets shall be permitted only as limited incidental accumulation associated with the primary use of the property and shall comply with the following standards:

1. Maximum Quantity

Outdoor pallet storage shall not exceed twenty (20) pallets at any time.

2. Maximum Height

Pallet stacks shall not exceed five (5) feet in height.

3. Condition of Materials

- a. Pallets shall be maintained in good condition.
- b. Broken, splintered, rotting, or unusable pallets shall not be stored outdoors.
- c. Pallets shall not be intermixed with trash, debris, scrap materials, or other refuse.

4. Organization

- a. Pallets shall be stacked in a neat, stable, and orderly manner.
- b. Scattered, leaning, collapsing, or loosely piled pallets are prohibited.

5. Location

- a. Pallets must be stored in the rear of a building.
- b. Pallets shall not obstruct required parking spaces, accessible routes, fire lanes, building exits, or stormwater facilities.

6. Surface Requirement

Pallets shall be stored on an improved hard surface, including asphalt or concrete. Storage on turf, soil, gravel, or landscaped areas is prohibited.

C. Permitted Grease Container

Each retail food establishment may maintain one (1) exterior grease collection container, provided it complies

with the following standards:

1. Quantity

No more than one (1) exterior grease container shall be permitted per retail food establishment unless otherwise approved by the Director.

2. Maintenance & Cleanliness

- a. Grease containers shall be maintained in good repair.
- b. The surrounding area shall be kept clean and free of spills, residue, litter, and odor.
- c. Spillage shall be immediately cleaned to prevent staining, vermin attraction, or nuisance conditions.

3. Location

- a. Grease containers must be stored in the rear of the building.
- b. Grease containers shall not obstruct parking spaces, accessible routes, fire lanes, or building exits.

4. Surface Requirement

Grease containers shall be located on an impervious hard surface such as concrete or asphalt.

(Ord. [031626C](#), 04/20/2026)

Effective on: 4/20/2026

Article 6.11. Parking & Loading Standards

Contents:

Sec. 6.11.1. Purpose & Intent

Sec. 6.11.2. Applicability

Sec. 6.11.3. Parking Lot Design

Sec. 6.11.4. Parking Area Landscaping

Sec. 6.11.5. Required Parking

Sec. 6.11.6. Bicycle Parking

Sec. 6.11.7. Additional Parking Provisions

Sec. 6.11.8. Off-Street Parking Schedule

Sec. 6.11.9. Parking Reductions

Sec. 6.11.10. Off-Street Loading

Sec. 6.11.11. Electric Vehicle Charging

Sec. 6.11.12. Drive-Through Design Standards

Sec. 6.11.1. Purpose & Intent

The intent of this Article is to accomplish the following goals:

- A. To ensure the provision of safe off-street parking for development allowed by the UDO.
- B. To ensure an appropriate minimum level of vehicle parking, loading, and storage to support a variety of land uses.
- C. To provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and zoning districts.
- D. To avoid requiring an over-supply of parking that poses economic and environmental impacts while ensuring off-street parking is provided to mitigate impacts to streets and neighborhoods.

- E. To reduce the amount of impervious surface in the city through reduced parking minimum requirements, allowing the use of semi-pervious materials, tandem parking, multiple use reduction strategies, bicycle parking, and landscaping requirements, which will reduce the urban heat island effect and provide other environmental benefits.
- F. To protect against unnecessary reductions in landscaped green space.
- G. To encourage bicycle use as a mode of transportation by ensuring quick, convenient, and safe access to secure bicycle parking.
- H. To ensure safe installation of Electric Vehicle Charging Stations and encourage provision of EVSE infrastructure at sites that will likely need to provide EVCS to ensure equitable access to EV charging in the future.

(Ord. [071618F](#), 07/19/2018; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.11.2. Applicability

This section shall apply to off-street parking for all new development and changes in use or intensity of use for existing development, in all districts, including overlay zoning districts, unless otherwise specified in the UDO.

A. **Compliance.** Compliance with the standards outlined in this Article shall be attained in the following circumstances:

1. Development of all new parking facilities, loading facilities, and driveways.
2. Improvements to existing parking facilities, loading facilities, and driveways, including reconfiguration, enlargement, removal or pulverization of an existing parking lot (excluding milling and paving), or the addition of curbs, walkways, fencing, or landscape installation.
3. Change in use, in accordance with [Sec. 6.11.2.C. Parking Plan Required](#).
4. Change in the occupancy of any building or the way any use is conducted that would result in additional parking spaces being required, unless an equivalent substitute number of such spaces is provided and maintained conforming to the requirements of this Article, unless otherwise specified in the UDO.

B. **Damage or Destruction.** When a use that has been damaged or destroyed by fire, collapse, explosion, or other cause is reestablished, any associated off-street parking spaces or loading facilities must be reestablished based on the requirements of this article.

C. **Parking Plan Required**

Every application for development shall ensure that adequate off-street parking is provided for the uses or buildings contained in the application. Parking quantities and parking design and layout shall be provided with an applicable permit/petition application and approved through the Site Plan Review process.

D. **Minimum Required Parking**

Unless specifically stated otherwise in the UDO, the minimum number of on-site parking spaces shall be as specified in [Sec. 6.11.5. Off-Street Parking Schedule](#).

E. **Use Change**

If the principal use changes, then the new principal use shall meet the requirements of this Article, except that if the use change results in an increase of less than 5% in the required number of parking spaces, or less than five (5) additional parking spaces, whichever is less, no additional parking spaces are required.

(Ord. [071618F](#), 07/19/2018; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.11.3. Parking Lot Design

A. Parking Surface

1. **Paving.** All non-ADA parking surface area required in the UDO shall utilize concrete, asphalt, brick pavers, or the like. Only concrete shall be utilized for ADA-accessible parking spaces and access aisles. Under no circumstance shall gravel, stone, rock, dirt, sand or grass be permitted as parking areas.
2. **Exception.** Parcels one (1) acre or more in area that are not part of a platted subdivision and are being used solely for single-family dwelling may utilize a gravel driveway for parking, so long as a concrete apron is provided between the street and the right-of-way line.
3. **Pervious Surface.** Parking of motor vehicles is not permitted on lawns or other pervious-surfaced areas on a lot.
4. **Semi-Pervious Surface.** Parking surface areas may use semi-pervious materials with the approval of the City's Engineering Department Director.

B. Location of Parking

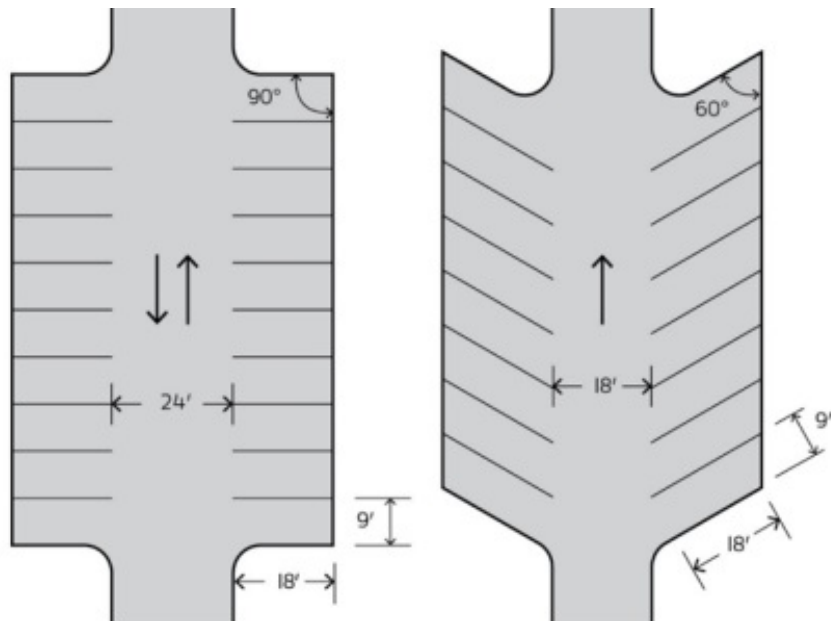
1. Parking lots may project into the minimum setbacks, setbacks are measured from the edge of the existing or proposed right-of-way as specified in the Thoroughfare Plan, whichever is greater.
2. Parking lots shall not project into or interfere with any landscape easement or buffer yard except as permitted in this Article.
3. If a landscape easement or buffer yard is not present, a parking lot shall not be installed within 10 feet of a side lot line or within 20 feet of a front or rear lot line, except when the parking lot is used as a shared parking lot as outlined in Sec. 6.11.7.A. Shared Parking.
4. Parking areas shall be designed to prevent vehicles from maneuvering in the public right-of-way.
5. Businesses that keep automobiles or other motor vehicles in stock on the subject property shall clearly differentiate between parking areas for such stock and parking for employees and customers using either clearly posted signage or differentiation in parking lot striping. Areas for customer and employee parking shall not be used for the storage of automobiles or other motor vehicles for sale.

C. Parking Space Dimension

1. **Minimum Width.** Each parking space shall be a minimum of nine (9) feet wide.
2. **Minimum Length.**
 - a. Standard: Each parking space shall be a minimum of 18 feet long.
 - b. Adjacent to Landscape Areas: The minimum length of a parking space may be reduced to 16 feet if the parking space butts into a landscape area such that a car's front end may project into the landscape area.
 - c. Adjacent to Sidewalks: The minimum length of a parking space may be reduced to 16 feet if the parking space butts into a sidewalk such that a car's front end may project over the sidewalk. If a car projects over a sidewalk, the sidewalk shall be two (2) feet wider than the required width. Under no circumstance shall a sidewalk have less than four (4) feet of clear area for pedestrians to pass when a vehicle's front end is projecting over part of the sidewalk; however, under no circumstance shall an off-street parking space overhang into a public or private street right-of-way.

D. Parking Aisle

1. **Minimum widths.** Minimum parking aisle widths shall be as follows:
 - a. 90° Angle Space: 24-foot wide parking aisle for one- or two-way traffic.
 - b. 60° Angle Space: 18-foot wide parking aisle for one-way traffic.
 - c. 45° Angle Space: 14-foot wide parking aisle for one-way traffic.
 - d. All other parking aisle widths shall be determined by the Director.



2. **Outlet Required:** All parking aisles shall have an outlet or turn around. Dead-end parking aisles are prohibited.

E. Striping and Maintenance

1. **Parking for the Disabled.** All parking spaces required by ADA standards shall be striped and have vertical signs. These stripes and vertical signs shall be maintained in clearly visible condition.
2. **Parking Lot Striping.** Parking spaces in parking lots shall be striped to clearly show each parking space. These stripes shall be maintained in clearly visible condition.
3. **Drainage.** Parking areas shall be constructed and maintained to allow proper drainage.

F. Parking Lot Connectivity

1. **Requirement.** Where a parcel abuts one or more parcels that are also zoned for commercial use (including Planned Unit Development zoning districts that allow commercial development), parking spaces, parking aisles and driving lanes shall be laid out in a manner that will allow for the connection of the parking areas on the abutting parcels.
2. **Cross-access Easements.**
 - a. Where parking lots connect, or are laid out to be connected, a cross-access easement shall be established in accordance with the requirements of [Sec. 10.2.11. Easements](#).
 - b. Cross-access easements shall not be less than 20 feet in width and shall not exceed 30 feet in width.

G. Cart Corrals

Cart corrals are required for all retail businesses and retail shopping centers with more than 30,000 square feet of retail space, and that provide shopping carts to their customers. Said cart corrals shall be made of permanent materials, be able to accommodate at least 50% of the fleet of shopping carts available, and any single unit shall not be any larger than 10 feet by 36 feet in area.

H. Institutional Uses

The portion of an institutional use's parking lot used for bus circulation and staging is not required to install the landscape bump-outs and/or islands required in [Sec. 6.11.4. Parking Area Landscaping](#).

I. Over-sized Vehicle Parking

Any vehicle which cannot be parked in a single parking space shall be parked in an over-sized vehicle space. All sites shall provide over-sized parking spaces in their side and/or rear yards sufficient to the amount of over-sized vehicles that will utilize their site on a normal basis. If the site of the side or rear yards or other site constraints do not allow for the over-sized spaces to be located there, the space may be in an established front yard; however, it may not be permitted in the parking row closest to the public right-of-way.

J. Parking Structures

Parking structures are encouraged when a use or mix of uses, to be developed as a comprehensive proposal, is proposed that requires at least 300 parking spaces.

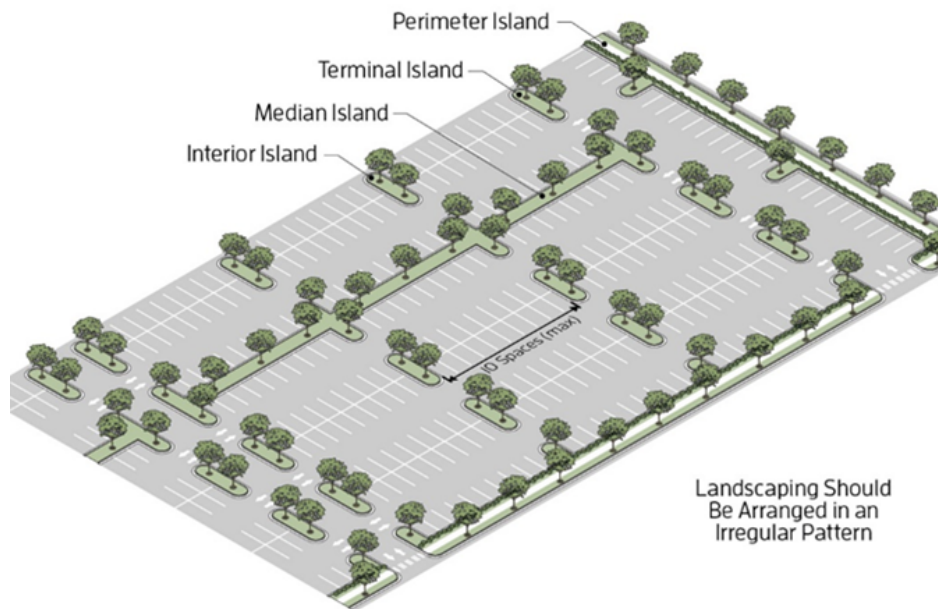
(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.11.4. Parking Area Landscaping

A. Intent

1. The intent of the vehicle parking lot landscaping requirements is to minimize the visual impact of large areas of vehicular parking as viewed from the public right-of-way and dissipate the effects of the urban heat island.
2. A well-designed parking lot utilizes landscaped islands and clear delineations to break the parking lot into smaller segments.
3. Tree and shrub plantings should not interfere with the pedestrian circulation on the site.
4. The Department may require a graphic depiction (perspective sketch or elevation) of the parking lot or structure landscaping as seen from the street.



B. Applicability

1. This section applies to all on-site surface parking areas with more than 10 spaces. For purposes of this section, multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.
2. At least two (2) canopy tree must be planted in each surface parking area with 10 spaces or less.

C. Perimeter Plantings

1. Perimeter Plantings shall be provided along all parking lot edges adjacent to, or abutting, public streets, private streets, front yards, or residential uses/zones. A landscape perimeter island shall be provided along primary internal access drives.
2. Perimeter Plantings must be a minimum of five (5) feet wide, landscaped with shrubs installed at a rate of 30 shrubs per 100 linear feet that under typical conditions can be expected to reach a height and spread of three (3) feet within three (3) years of planting; and 2 trees per 100 linear feet. All shrubs shall be a minimum of 18 inches tall when planted. In lieu of planting a hedge, a wall at least three (3) feet in height may be installed.
3. A perimeter island may also serve as the location for a sidewalk connecting the use and the street. In such case, the sidewalk shall be a minimum of six (6) feet wide.
A landscape perimeter island shall be provided along primary internal access drives.

D. Interior Islands

1. A landscaped interior island must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking area.
2. An interior island must be a minimum of 8 feet in width and be a minimum of 300 square feet in area.
3. All rows of parking must terminate with a landscaped interior terminal island. No more than 30 parking spaces may be located between terminal islands.
4. Interior islands may be consolidated or intervals may be expanded to preserve existing trees.

E. Median Islands

1. A landscape median island must be provided between every six (6) single parking rows.
2. A landscape median island must be a minimum of six (6) feet wide.
3. A median island may also serve as the location for a sidewalk connecting the parking and the use served by the parking area. The sidewalk must be a minimum of six (6) feet wide. If trees or shrubs are planted in the median, the median width must be expanded by at least five (5) feet.
4. Median islands may be consolidated or intervals may be expanded to preserve existing trees.

F. Required Tree Quantities

1. Each interior island (and terminal interior island) must include at least one (1) canopy tree.
2. In no case shall there be less than two (2) canopy trees for every 2,000 square feet of parking area.

G. Parking Structure Perimeter Landscaping

1. Parking structures shall have a minimum of a 10-foot-wide planting area along any elevation that faces a public space, common area, open space, mixed-use, residential, public street, or private through street. That planting area shall include one (1) shrub per four (4) lineal feet and one (1) tree per 15 lineal feet of applicable building perimeter. Plant material may be clustered.
2. Parking structures shall have a minimum of a eight (8) foot wide planting bed along any other elevation. That plant bed shall include grouped shrubbery to provide a more Pedestrian Scale to abutting pedestrian ways and trees provided at a ratio of one (1) tree per 20 lineal feet of applicable building perimeter.
3. Trellises intended for vines and other plants are encouraged to be used along large blank walls.
4. All plantings shall feature a mix of deciduous and evergreen species. Tree plantings shall be predominately of a species that grows to a height that effectively screens the parking areas. In addition, the minimum size at planting for all trees shall be: eight (8) feet tall for evergreens and two-inch (2") caliper measured using standard nursery practices for deciduous trees.

H. Administrative Alternate Findings

The Director in accordance with [Sec. 10.2.1. Administrative Alternate](#) may approve an administrative alternate subject to all the following findings:

1. The approved administrative alternate meets the intent of the vehicle parking lot regulations;
2. The approved administrative alternate conforms with the [Comprehensive Plan](#) and adopted City plans; and
3. The approved administrative alternate is considered equal or better to the standard.

(Ord. [071618F](#), 07/19/2018; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.11.5. Required Parking

A. Parking Requirements by Use (Off-Street Parking Schedule)

A development shall provide the minimum number of required parking spaces according to [Sec. 6.11.8. Off-Street Parking Schedule](#).

B. Determining Parking Requirements for Unknown Uses. If a use is not clearly listed in [Sec. 6.11.8. Off-Street Parking Schedule](#), the Director shall determine into which land use the proposed development best fits, therefore determining the minimum parking spaces required. The last edition of the ITE, Parking Generation: Summary of Parking Occupancy Data may also be used as a guide for determining the appropriate number of parking spaces in the event a use is not listed in [Sec. 6.11.8. Off-Street Parking Schedule](#). For uses located within the Nickel Plate District, refer to the Nickel Plate District Code.

C. Bicycle Parking. The minimum number of required bicycle parking spaces shall follow the requirements in Sec. 6.11.6.

D. Electric Vehicle Charging Stations. The minimum number of required EV charging stations shall follow the requirements in [Sec. 6.11.11. Electric Vehicle Charging](#).

1. If a use is not clearly listed in [Sec. 6.11.8. Off-Street Parking Schedule](#), the Director shall determine into which land use the proposed development best fits, therefore determining the minimum parking spaces required. The last edition of the ITE, Parking Generation: Summary of Parking Occupancy Data may also be used as a guide for determining the appropriate number of parking spaces in the event a use is not listed in [Sec. 6.11.8. Off-Street Parking Schedule](#). For uses located within the Nickel Plate District, refer to the [Nickel Plate District Code](#).
2. **Multiple Uses on a Lot.** When there are multiple uses on a lot, required spaces shall be calculated as an amount equal to the total requirements for all uses on the lot, unless the uses qualify for shared, cooperative, or other credits to reduced parking (see [Sec. 6.11.7.A. Shared Parking](#)).
3. **Parking Space Designations.** ADA, EVCS, Drive-through stacking spaces may be counted toward the total number of required parking spaces.
4. **Distinction between Parking and Loading Areas.** Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.

E. ADA-Accessible Required Parking.

1. **Intent.** The City of Fishers encourages all development that serves the public to provide facilities that are accessible to people with disabilities as defined by this Ordinance and the [Americans with Disabilities Act \(ADA\) of 1990](#). In accordance with this goal and pursuant to the ADA, accessible parking shall be provided by any building or use initiated after the effective date of this Ordinance according to the following minimum requirements and any further requirements hereafter adopted by federal, state, or local law.
2. **Required Number.** The minimum required number of accessible parking spaces shall be provided according to Table 6.11.5.A.
3. **Calculating Required Accessible Spaces.** The required number of accessible parking spaces shall be calculated prior to any applied reduction in parking requirements otherwise approved by the Director or provided pursuant to [Sec. 6.11.8. Off-Street Parking Schedule](#).
4. **Location.**
 - a. Accessible parking spaces must be located on the shortest accessible route to an accessible entrance, relative to other spaces in the same parking facility.
 - b. Where parking serves multiple entrances to a facility, accessible spaces must be dispersed among accessible entrances.

5. Design and Layout of Accessible Parking Areas

a. Access Aisles.

1. Every accessible parking space shall have access to an access aisle.
2. Two accessible parking spaces may share one access aisle if the parking spaces are designed at 90-degree angle. If the parking spaces are angled less than 90 degrees, or otherwise restrict entry into the space to one direction only, then every accessible space shall have its own accessible aisle.
3. Access aisles shall measure at least sixty (60) inches in width when adjacent to a standard accessible space and at least ninety-six (96) inches in width when adjacent to a van accessible space.
4. For each access aisle which is eight (8) feet or wider, bollards shall be placed at the driveway end of the aisle to prevent vehicles from parking in the aisle illegally.

b. **Accessible Routes.** Each access aisle shall abut an accessible route to the building entrance. The minimum width of said accessible route shall be three (3) feet.

c. **Maximum Slope.** Accessible parking spaces, access aisles, and accessible routes shall not exceed a slope of 1:48, and the ramp from the access aisle to the sidewalk or other transition to the principal use shall not exceed a slope of 1:12.

6. Signage And Marking

- a. All accessible spaces shall be identified by the International Symbol of Accessibility. In addition to the International Symbol of Accessibility sign, van-accessible signs shall include "Van Accessible" on the sign.
- b. Signs shall be placed a minimum of sixty (60) inches above ground level measured from grade to the bottom of the sign so that the sign is visible to the vehicle when it's parking.

F. **Excessive Parking:** A parking lot that exceeds the minimum parking space requirements (listed in [Sec. 6.11.8. Off-Street Parking Schedule](#)) by more than 10% shall also:

1. Increase the number of landscape bump-outs (in single-aisle parking lots) or landscape bump-outs and islands (in multiple-aisle parking lots) required in [Sec. 6.11.4. Parking Area Landscaping](#) by the same percentage. [Example: If the number of parking spaces is increased by 30%, then the number of landscape islands and/or bump-outs shall be increased by 30%].
2. Each additional landscape island or bump-out shall be installed according to the requirements of [Sec. 6.11.4. Parking Area Landscaping](#).

Table 6.11.5.A Minimum Number of Accessible Parking Spaces			
Provided total parking spaces per development	A: Standard Space	B: Van Space	C: Total Spaces (Standard + Van)
1-25	0	1	1
26-50	1	1	2
51-75	2	1	3
76-100	3	1	4
101-150	4	1	5
151-200	5	1	6
201-300	5	2	7
301-400	6	2	8
401-500	7	2	9
501-1000	= 80% of Column C	Column C - Column A	2 % of total provided parking spaces
1001 +	= 80% of Column C	Column C - Column A	20, plus 1 for each 100 spaces over 1,00

(Ord. [071618F](#), 07/19/2018; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.11.6. Bicycle Parking

A. Minimum Number of Spaces

A minimum of one (1) bicycle parking space shall be provided per 30 vehicle parking spaces. No more than 15 bicycle parking spaces shall be required for any primary structure.

B. Proximity to Primary Structure

The bicycle parking spaces shall be near the main entryway into the primary structure or be located inside the primary structure.

C. Bike Rack Requirement

A bike rack shall be installed to secure the bicycles. One (1) rack shall count as two (2) bicycle parking spaces.

D. Pedestrian Ways

Bicycle parking areas shall be designed such that when fully occupied, the bicycles, including trailers, shall not obstruct an adjacent sidewalk, path, or other pedestrian way.

E. Exception

The Director may waive this requirement if it is determined that bicycle facilities do not support the specific use or location of the property.

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019)

Effective on: 8/19/2019

Sec. 6.11.7. Additional Parking Provisions

A. Shared Parking

A group of adjacent properties may provide a shared parking area if all the following criteria are met:

1. **Minimum Number of Parking Spaces Required.** The shared lot shall provide at least 80% of the cumulative total of parking spaces required for each use
2. **Administrative Approval.** The Director approves the shared parking area.
3. **Reciprocal Parking Agreement.** A written reciprocal parking agreement signed by all property owners involved is required and shall include provisions concerning at least the following items: maintenance, snow removal, ownership, and liability and shall be recorded in the County Recorder's office. The agreement may be reviewed and approved by the City Attorney. A copy of the recorded agreement shall also be submitted to and kept in the Department office.

B. Stacking Spaces

In accordance with [Sec. 6.11.12. Drive-Through Design Standards.](#)

C. Tandem Spaces

1. Tandem parking is allowed for single-unit, two-unit and multi-unit living.
2. Two parking spaces in tandem must have a combined minimum dimension of nine (9) feet wide by 36 feet long.
3. Both parking spaces in tandem must be assigned to the same dwelling unit.
4. Tandem parking may not be used to provide guest parking.

D. Valet Parking

Valet parking may be permitted as a means of satisfying the parking requirements where all the following standards have been met:

1. An attendant is provided to park vehicles during all business hours of the use utilizing the valet parking.
2. An equivalent number of valet spaces are available to replace the number required on-site parking spaces.
3. Valet spaces do not require individual striping and may consider the mass parking of vehicles.

E. Reserved Parking

Parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded.

1. **Residential.**
 - a. One (1) space per efficiency or 1-bedroom multi-living dwelling unit.
 - b. Two (2) spaces per two-bedroom or greater multi-living dwelling unit.
2. **Non-residential.**

No more than 1/3 of the total provided spaces may be reserved.

F. Electrical Vehicle Parking

In accordance with [Sec. 6.11.11. Electric Vehicle Charging.](#)

(Ord. [071618F](#), 07/19/2018; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.11.8. Off-Street Parking Schedule

6.11.8. Off-Street Parking Schedule		
DU = dwelling unit	-	GFA = gross floor area - sf = square feet
Use Category		Minimum Stalls Required
RESIDENTIAL		

Household Living	---
Single-unit living	2 spaces per DU
Two-unit living	1.5 spaces per DU
Multi-unit living:	---
Triplex, Fourplex	1 space per DU
Studio - 1-bedroom DU	1 space per DU
2-bedrooms DU	1.5 spaces per DU
3 and more bedrooms DU	2 spaces per DU
Cottage Court	1 per DU
Manufactured Home Development	1 per DU
Mobile Home	1 per DU
Group Home Living	---
Group Home	1 per 8 beds design capacity
Nursing Home	1 per 8 beds design capacity
Special Care Facility	---
Residential facility for developmentally disabled	1 per 8 beds design capacity
Residential facility for the mentally ill	1 per 8 beds design capacity
Senior Living	---
Senior Living Community	1 spaces per DU
Assisted Living	1 per 3 assisted living rooms and/or nursing rooms
Independent Living	1 spaces per DU
Nursing Home	1 per 3 rooms and/or nursing rooms
PUBLIC & INSTITUTIONAL	
Civic	---
<u>Cemetery</u>	1 per 50 gravesites + the parking requirement for an assembly if an indoor chapel/mausoleum provided.
Crematory	5 visitor spaces + 1 per 1,000 sf GFA
Drug or alcohol rehabilitation clinic	1 space per 8 client capacity
Facility for developmentally disabled or mentally ill	1 space per 8 client capacity
Libraries	1 space per 1,000 sf of GFA
Mortuaries or funeral home	5 spaces + 10 spaces per 1,000 sf of the largest assembly space
<u>Places of worship</u>	10 spaces per 1,000 sf of the largest assembly space
Police, fire or rescue station	1 per employee
Recycling center	1 per collection bin + 1 per employee for the largest shift
Water/sewage treatment plant	1 visitor space per 5 employees + 1 space per employee on the largest shift
Educational Facilities	---
School, Preschool through Kindergarten	2 per classroom + 2 spaces per 1,000 sf GFA of administrative office space
School, Elementary and Middle School	1 per classroom + 2 spaces per 1,000 sf GFA of administrative office space
School, High School	1 per classroom + 2 spaces per 1,000 sf GFA of administrative office space + 1 per 10 high school student enrollment capacity
School, Trade/Business	1 per classroom + 1 space per 1,000 sf GFA of administrative office space
Healthcare Facilities	---
<u>Hospital</u>	1 per 3 patient beds at design capacity
Medical office/clinic	3 per 1,000 sf of GFA
Parks & Open Space	---
Open Space and Greenway	No parking required
Outdoor Living History Museum	Per Sec. 5.3.2.B
Parks below 2 acres	No parking required
Parks above 2 acres	2 spaces per 1 acre of the park
Utilities And Communication	---
Minor utilities	1 space per facility
Major utilities	1 space per facility
Telecommunication tower	1 space per facility

Micro (small cell) tower	1 space per facility
Wind turbines	1 space per facility
COMMERCIAL & INDUSTRIAL USES	
Child Care	---
Child care center	2 per classroom + 2 spaces per 1,000 sf GFA of administrative office space
Child care ministry	2 per classroom + 2 spaces per 1,000 sf GFA of administrative office space. If existing parking spaces at a Place of Worship already meet this requirement, no additional parking spaces need to be provided.
Child care home	Same as home occupation parking requirements
Entertainment, Fitness and Recreation	---
Indoor	---
Adult entertainment establishment	3 spaces per 1,000 sf GFA
Bowling alley	2 spaces per lane
Community Center	2 spaces per 1,000 sf GFA
Conference center, event venue, banquet hall	4 spaces per 1,000 sf of assembly area
Fitness Center	2 spaces per 1,000 sf GFA
Golf Clubhouse	1 space per 1,000 sf GFA
Sports arena, indoor stadium	1 space per 20 seats
Studios, martial arts/dance/gymnastics/etc.	1 space per 1,000 sf GFA
Swimming pool, commercial or community	4 spaces per 1,000 sf of the swimming pool area
Theater, indoor	10 spaces per 1,000 sf of all seating areas
Other indoor assembly areas	1 space per 1,000 sf GFA
Outdoor	---
Commercial Court, tennis/basketball	2 per court
Golf Course	1 space per golf hole
Stadium	1 space per 20 seats
Swimming pool, commercial or community	4 spaces per 1,000 sf of the swimming pool area
Theater, outdoor	200 spaces maximum
Outdoor recreation & entertainment (excludes parks)	1.5 spaces per 10,000 sf of outdoor recreation / entertainment area
Food & Drink Establishments	---
Bar, tavern, lounge	4 spaces per 1,000 sf GFA
Brewery, distillery, or winery	Indoor tasting/seating area: 3 spaces per 1,000 sf GFA Outdoor tasting/seating area: 1.5 spaces per 1,000 sf of outdoor seating area.
Eating establishments (restaurants, fast-food, coffee shops, etc.)	Indoor seating area: 3 spaces per 1,000 sf GFA Outdoor seating area: 1.5 spaces per 1,000 sf of outdoor seating area.
Manufacturing, Research and Development	---
Light industrial	1.5 spaces per 1,000 sf GFA of administrative office area.
Light manufacturing	1.5 spaces per 1,000 sf GFA of administrative office area.
Research & Development	1.5 spaces per 1,000 sf GFA of administrative office area.
Lodging	---
Bed and Breakfast	1 per guest room plus 1 per employee
Hotel, Motel	0.5 per guest room
Short-term rentals, owner-occupied	No additional parking
Short-term rentals, not owner-occupied	No additional parking
Office	---
Office: business, professional, or government (includes post office).	1.5 spaces per 1,000 sf GFA
Personal Services	---
Personal Services	3 spaces per 1,000 sf GFA
Retail Sales	---
All retail uses, indoor	3 spaces per 1,000 sf for the first 5,000 sf GFA + 2 spaces per 1,000 sf for GFA between 5-25k + 1 space per 1,000 sf for GFA beyond 25,000 sf

All retail uses, outdoor display	0.5 spaces per 1,000 sf of outdoor display area
Vehicle-Related Operations	---
Car wash	1 space per 1,000 sf of GFA of indoor sales/office area
Electric Vehicle Charging Station	No additional parking
Electric Vehicle Charging Facility	No additional parking
Vehicle fuel sales	2 spaces per 1,000 sf GFA of convenience/gas store
Vehicle repair (minor, major)	1 space per 1,000 sf of GFA
Vehicle sales/rentals	0.5 spaces per 1,000 sf of GFA
Warehousing and Storage	---
Self-service storage	1 space per 1,000 sf of GFA of indoor sales/office area
Warehouse & distribution	1.5 spaces per 1,000 sf GFA of administrative office area.
Wholesale trade	1.5 spaces per 1,000 sf GFA of administrative office area.
AGRICULTURAL & ANIMAL USES	
Beekeeping	No additional parking
Community garden	No additional parking
Domestic Pets	No additional parking
Domestic Farm Animals	No additional parking
Kennel	1 space per 1,000 sf GFA
Pet Grooming	1 space per 1,000 sf GFA
Plant nursery	1 space per 1,000 sf GFA of retail sales space
Produce stand	Per Sec. 5.8.2.C.2.
Urban farm	No additional parking
Veterinary Clinic	2 spaces per 1,000 sf GFA
Other agricultural uses as defined in this UDO	No additional parking
ACCESSORY USES	
Caretaker's residence	1 space per DU
Drive-through	No additional parking
Home Occupation	Additional parking may be required depending on the type of Home Occupation.
Outdoor Dining	See parking requirements under "Food Establishment" category.
Recreational Use related to a Residential Development	See parking requirements under "Entertainment, Fitness, & Recreation" category.
Residential Accessory Service	No additional parking
TEMPORARY USES	
Construction Trailer	No additional parking
Event Tents	No additional parking
Garage/Yard Sale	No additional parking
Institutional	No additional parking
Sales Office for Model Home	Per Sec. 5.8.2.C.
Special Event	Per this table based on the use(s) and occupancy most applicable to the event.
Temporary off-street parking	No additional parking
Temporary trash receptacle	No additional parking
Temporary storage unit (POD)	No additional parking

(Ord. [071618F](#), 07/19/2018; Ord. [011822](#), 02/21/2022; Ord. [121922E](#), 01/17/2023; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.11.9. Parking Reductions

A parking lot may be built with fewer spaces than the required minimum spaces in [Sec. 6.11.8. Off-Street Parking Schedule](#) if the following standards are met:

A. Adequate and appropriate space shall be land-banked such that the full number of parking spaces required in [Sec. 6.11.8. Off-Street Parking Schedule](#) can be built on site later, should the need arise.

- B. The property owner shall record a Plot Plan in the County Recorder's office that clearly denotes the land-banked area, and that identifies the area as a "no build zone."
- C. The property owner shall present a design showing how the full number of parking spaces required in [Sec. 6.11.8. Off-Street Parking Schedule](#) would be installed, and how drainage would be handled, should the need arise. This design shall be recorded in the County Recorder's office.
- D. Under no circumstances shall less than 40% of the parking spaces required in [Sec. 6.11.8. Off-Street Parking Schedule](#) be permitted to be installed.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.11.10. Off-Street Loading

A. Number of Loading Berths Required

Off-street loading berths shall be provided in accordance with the following minimum requirements:

	Loading Berths	Distance from Nearest Residential Use
Agricultural		
Commercial greenhouse	1 berth for 15,000 sf or less. 2 berths for 15,000 sf or more.	100'
Hospital	1 berth for 200 beds or less. 2 berths for 200 to 500 beds. 3 berths for 500 beds or more.	100'
Private or public recreational club with restaurant	Not required, but if there is 1, then separation distance must be met.	100'
Non-residential Districts		
Auditorium, hotel, office building, sports arena, or similar use	1 berth for over 10,000 sf but less than 40,000 sf of gross floor area, + 1 berth for each additional 60,000 sf over 40,000 sf	150'
Retail stores and shopping centers	1 berth for over 10,000 sf but less than 25,000 sf of gross aggregate floor area + 1 berth for each additional 50,000 sf over 25,000 sf up to 225,000 sf	150'
Wholesale, warehouse, distributor storage or transfer establishment, heavy commercial, custom fabrication, crating, packaging, lumberyard or other similar industrial or commercial uses	1 berth for up to 40,000 sf of gross aggregate floor area, + 1 berth for over 40,000 sf but less than 100,000 sf, but 1 berth for each additional 150,000 sf over 100,000 sf	150'
Use not specified	To be determined by the Commission	

B. Dimension

A required off-street loading berth shall be at least 12 feet in width by at least 55 feet in length exclusive of aisle and maneuvering space and shall have a vertical clearance of at least 15 feet.

C. Access to and from Off-street Loading

1. **Berth Access.** Each required off-street loading berths shall open directly upon an aisle or driveway of such width and design as to provided safe and efficient means of vehicular access to such loading space.
2. **Access to a Public Way.** All off-street loading berths shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement.
3. **Maximum Width.** No driveway from a loading berth that extends into the street right-of-way (between the lot line and street pavement) shall exceed the widths specified in [Article 6.4. Entrance & Driveway Standards](#); provided, however, two (2) driveways not exceeding 25 feet in width each may constitute a single entrance or exit.
4. **Acceleration/Deceleration and Passing Lanes.** Each industrial use which is so located that it fronts upon and provides access to a highway, thoroughfare, or collector, shall provide an acceleration/deceleration lane paralleling and adjoining the improved part of the right-of-way and at 11 feet in width for right-turn traffic entering the lot; except, however, that uses located on the left-hand side of a one-way street shall provide a left-turn lane. The access point shall be located so that the acceleration/deceleration lane shall be a minimum of 100 feet in length, exclusive of the entrance way. Provided, however, if the lot frontage is too small to provide such 100 feet of acceleration/deceleration lane, the entrance shall be so located that the acceleration/deceleration lane shall extend the entire width of the lot. A passing lane opposite the entrance and 75 feet either side of the center of the entrance shall be provided if there are only two (2) traffic lanes.
5. **Entrance Location.** Driveways from off-street loading berths shall comply with the requirements of [Article 6.4. Entrance & Driveway Standards](#).

D. Location and Setback

1. All required loading berths shall be located on the same lot as the use served and shall be so designed and located that trucks shall not back from or into a public street.
2. No open loading berth shall be in a minimum required front yard or the area between the front lot line and the front line of the primary building.
3. No loading berth shall be in a minimum required side or rear yard.

E. Screening

All loading berths on any lot abutting a residential zoning district or separated by an alley from a residential zoning district shall be enclosed within a building or sufficiently screened and landscaped to conceal completely the doors of the loading berths and any vehicles that access the loading berths from view from the residential zoning district.

F. Surface of Loading Area

1. **Open and Enclosed Loading Area.** Off-street loading berths may be open to the sky, covered or enclosed in a building. In any instance where a building is constructed or used for loading, it shall be treated as any other major structure and subject to all requirements thereof.
2. **Surface Drainage.** The surface shall be graded and drained in such a manner that there will be no detrimental flow of water onto adjacent properties or public sidewalks.
3. **Lighting Standards.** When lighting facilities are used to illuminate a loading area, they shall follow all standards established in [Article 6.5. Exterior Lighting Standards](#).

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.11.11. Electric Vehicle Charging

To reach the City of Fisher's sustainability goals, provide its residents with clean transportation alternatives, protect public health, and promote general welfare, certain new construction needs to include Electric Vehicle Charging Stations, as well as infrastructure to add more stations in the future.

A. Minimum EVCS design standards.

1. Required EV-Ready parking spaces must include space, electrical conduit or cable raceway, electric banks, and access points.
2. Required EVCS shall be at minimum a Level 2 EVCS, supplying a current at 240 V or 208 V.
3. Charging equipment must be mounted on the wall or on a structure adjacent to the EV parking space.
4. No EVSE or EVCS accessory equipment may be placed within the dimensions of a parking space.
5. When cords and connectors are not in use, retraction devices or locations for storage shall be located sufficiently above the pedestrian surface and the parking lot as to reduce conflicts with pedestrians and vehicle maneuvering.
6. Cords, cables, and connector equipment shall not extend across the path of travel in any sidewalk.
7. Equipment mounted on structures such as pedestals, lighting posts, bollards, or other devices shall be located in a manner that does not impede pedestrian, bicycle, or transit travel.
8. Upon a showing of good cause, alternative designs may be approved by the Director or their designee.

B. Required EVCS.

1. **Applicability.** The requirements of this section shall apply to the following developments:
 - a. A new parking facility requiring installation of at least 50 parking spaces OR an existing parking facility to be expanded by 50 parking spaces, as measured in parking spaces created after July 1, 2025. A parking facility may be maintained or reconstructed without triggering the requirements of this subdivision. However, where more than 50 parking spaces in place on July 1, 2025, are removed and new paving and base is installed, these requirements shall apply. AND
 - b. The development includes one or more of the uses identified in Table 6.11.11.
2. **Required Amount.**
 - a. The parking requirements of this Section are intended to provide minimum standards.
 - b. The EVCS parking requirements are based on a percentage of the provided parking spaces per a project's approved zoning, use, Special Exception, or after approval of any variance.
 - c. Where the calculation of percent results in a fractional parking space, it shall be rounded up to the next whole number.
 - d. EVCS parking spaces existing on site shall be counted towards meeting the minimum required EVCS parking spaces if the spaces meet all applicable requirements in this section.
 - e. The minimum number of EV-Ready, EV-Installed and Total EVCS shall be as listed in Table 6.11.11. Column A specifies the minimum required number of installed EVCS to meet the current EV charging demand. To meet anticipated demand for EVCS in the future, Column B specifies the required EV-Ready parking spaces to enable future EVCS installation. Column C specifies the total number of EV-Ready and EV-Installed spaces.
 - f. The total number of required EV-Ready spaces shall be reduced by the number of provided EV-Installed spaces that exceed the minimum required percentages for EV-Installed provided in Table 6.11.11, Column A. (E.g., A new parking lot for a multi-family development required to provide at least 100 spaces, would be required to provide at least 5 EV-Installed spots and 15 EV-Ready spaces for a total of 20 EVCS spaces. If the developer provides 10 EV-Installed spaces (10 %) and by that increases the number of EVCS-Installed spaces by 5, then the developer can provide 10 EV-Ready spaces instead of 15. The resulting total minimum required number of EVCS spaces remains 20.)

Table 6.11.11 Required Minimum Electric Vehicle Charging Stations

Land Use	A: EVCS Installed Spaces	B: EVCS-Ready Spaces	C: Total EVCS Spaces
Tier I			
Multifamily dwelling	5%	20%	25%
Stand-alone parking	5%	15%	20%

Hotel	2%	18%	20%
Motel	2%	18%	20%
Office	2%	18%	20%
Tier II			
Group Residential Facility	2%	13%	15%
Convention or Exposition Center	2%	13%	15%
Hospital	2%	13%	15%
School, Trade/Business	2%	13%	15%
School, University/College	2%	13%	15%
Tier III			
School, Pre-K through K-12	2%	8%	10%
Retail/Commercial (retail, grocery, restaurants, etc.)	2%	8%	10%

3. **Exemptions.** One a case-by-case basis, where the Director determines that EV charging and infrastructure are not feasible based upon one or more of the following conditions:

- a. Where there is no local power supply, or the local utility is unable to supply adequate power. OR
- b. Where there is evidence suitable to the Director substantiating that additional local utility infrastructure design requirements, directly related to the implementation of [Sec. 6.11.11.](#), may adversely impact the construction cost of the project.

C. **ADA-accessible EVCS design standards.** Unlike gas stations where an attendant may be available to assist with refueling vehicles, EV charging stations are often unattended. Thus, it is important that EV charging stations be sufficiently accessible to allow independent use by drivers with disabilities. In addition to the standards in subdivision “A” of this section, an ADA-accessible EV-Installed parking space shall meet the following standards:

1. It shall be clearly marked as an ADA- and EV-charging space by using special paving markings and/or parking vertical signage.
2. It shall be located as close to the building entrance as possible to permit safe maneuvering from the vehicle to the building.
3. The parking space shall measure at least twelve (12) feet wide and twenty-five (25) feet long to fit a vehicle and a maneuvering area around the vehicle to get to the access aisle and the EVCS.
4. The adjoining access aisle shall be at least five (5) feet wide.
5. The access aisle must be connected by an accessible route to the clear floor or ground space at the EVCS.
6. The “clear floor or ground space” at chargers must be a minimum of 30 inches in depth by 48 inches in length.
7. Grass, curbs, wheel stops, and bollards may not be located within the “clear floor or ground space”.
8. When the bollards are used to protect EVCS equipment, such bollards shouldn’t create obstructions of the accessible route to reach the EVCS.
9. Accessible EVCS shall not be installed on top or behind the curbs.
10. Accessible EVCS shall have all relevant parts located within accessible reach, and in a barrier-free access aisle for the user to move freely between the EVCS and the Electric Vehicle.
11. Upon showing a good cause, an alternative ADA-accessible design may be approved by the Director guided by the principles from the latest adopted version of the “Design Recommendations for ADA-Accessible EVCS” released by the United States Access Board.

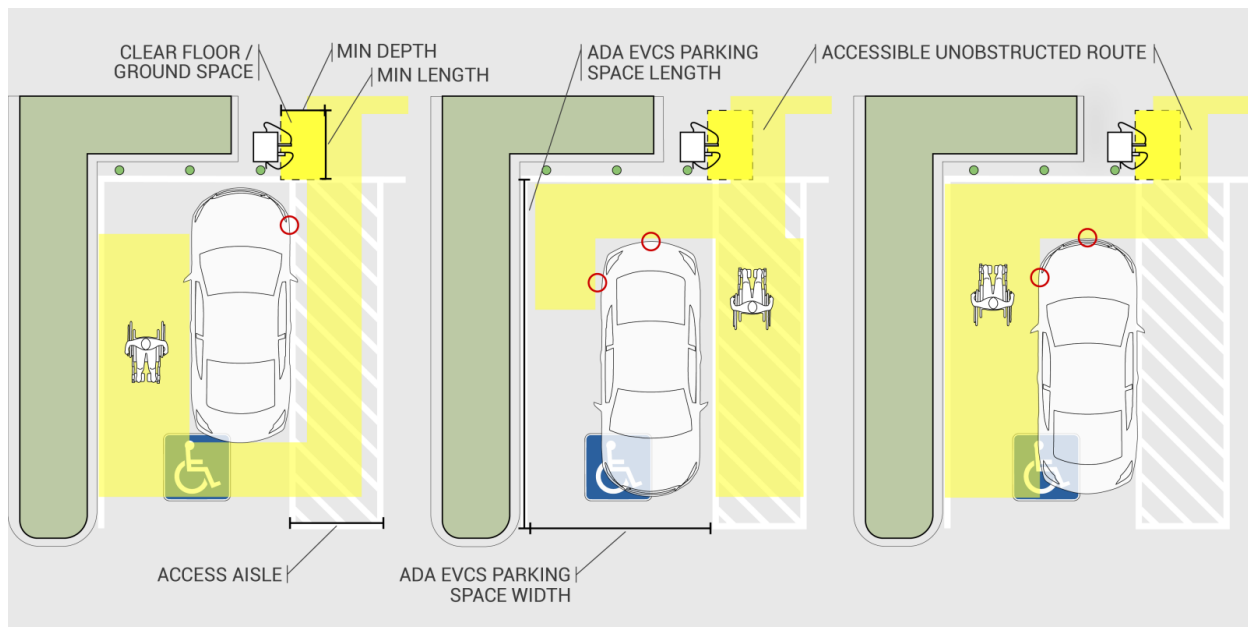


Figure 1. This image illustrates several scenarios of different locations of a charging port on a vehicle, different parking position, and the consequent need to create a clear path around the vehicle for a person with physical disabilities to reach the EVCS.

D. Required number of ADA-accessible EV-Installed spaces. The minimum required number of ADA-accessible EV-Installed spaces shall be based on the sum of required EV-Ready and EV-Installed spaces:

1. 0-4 EV parking spaces: 0 EV-ADA spaces.
2. 5-50 EV parking spaces: 1 EV-ADA space.
3. 51+ EV parking spaces: 1 EV-ADA space per 50 EV parking spaces (e.g., 51-100 EV parking spaces would lead to requiring at least 2 EV-ADA spaces, 101-150 would lead to 3 EV-ADA spaces and so on).

(Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 6.11.12. Drive-Through Design Standards

Drive-through service is enabled in appropriate locations to improve service to customers, protect the public from contagion, and promote economic development, while also reducing the negative impacts that they may create by reducing the noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow.

A. Movement Design:

1. Drive-through lanes shall not obstruct on-site vehicular traffic flow to and from required parking and loading spaces or other driveways providing ingress and egress into and within the site.
2. Drive-through lanes may not be located within required driveway, internal circulation, or parking aisle widths.

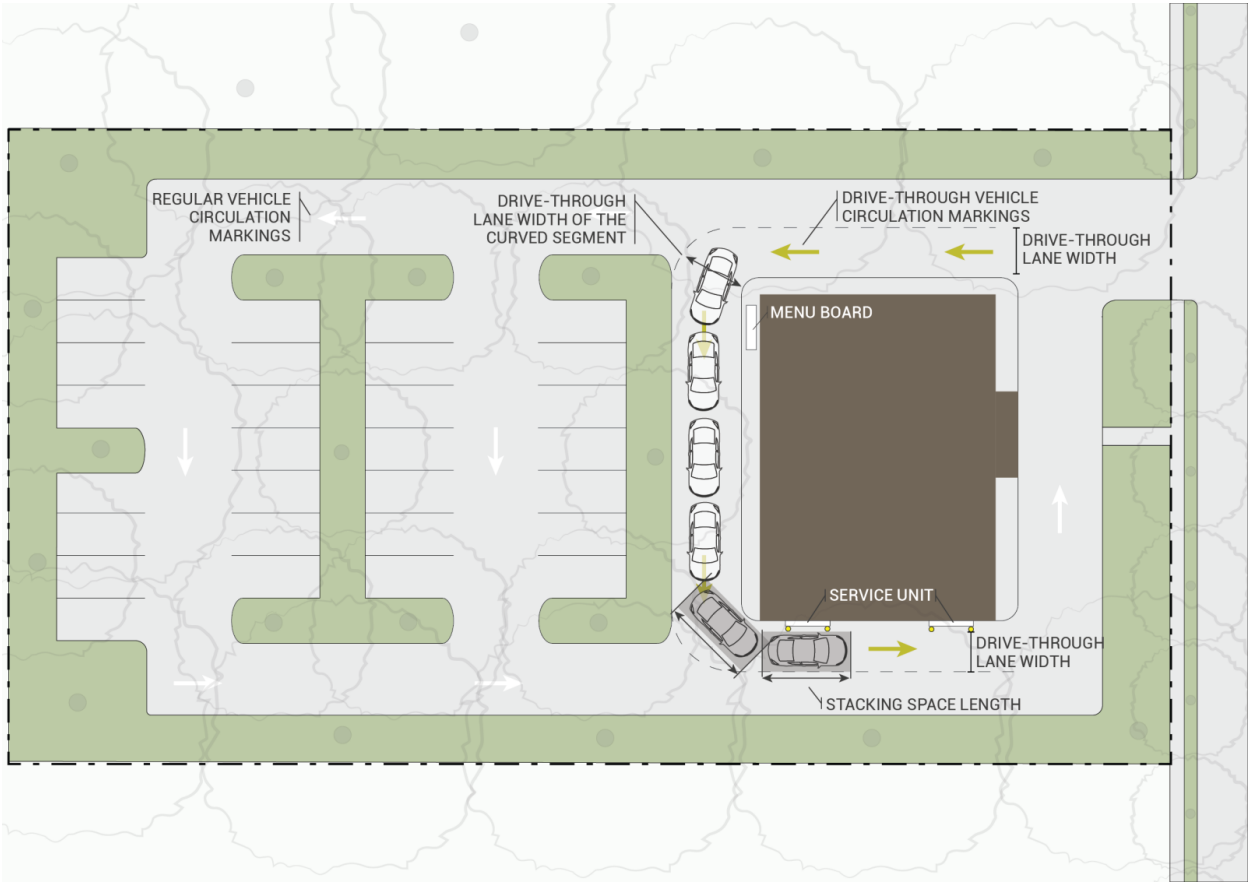
B. Drive-through Design Standards.

1. A stacking space shall be at least 25 feet long.
2. The width of a drive-through service lane shall be at least 9 feet.
3. The width of a drive-through service lane closest to the building shall be measured from the bollards or any other protective accessory structures located by the building.
4. The width of the curved segment(s) of the service lane shall be at least 12 feet.
5. Each entrance to, and exit from, a drive-through lane should be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs.

C. Required Stacking Spaces.

1. Required Amount. All uses with drive-through facilities shall provide the minimum number of on-site stacking spaces indicated in Table 6.11.12: Minimum Number of Stacking Spaces and shall comply with the standards in [Sec. 5.7.2.B. Drive-Through](#).

Table 6.11.12 Minimum Number of Stacking Space	
Use	Required Stacking Spaces
Food or beverage establishment	7 spaces per lane
Car wash	6 spaces per bay or lane
Financial institutions	4 spaces per bay or lane
Other uses	3 spaces per bay or lane



(Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Article 6.12. Pedestrian Accessibility Standards

Contents:

Sec. 6.12.1. General

Sec. 6.12.2. Residential

Sec. 6.12.3. Non-Residential

Sec. 6.12.1. General

A. Purpose & Intent

The purpose & intent of this Article is to preserve and enhance the character of [streets](#), shopping centers and neighborhoods by establishing regulations for pedestrian accessibility.

B. Applicability

In accordance with the Thoroughfare Plan, all existing and proposed development must provide safe, direct and convenient pedestrian access connecting main entrances of buildings, establishments or uses on a site that allows for public access, with all other such entrances and with available access points including parking, streets, and sidewalks. The Director may exempt interior sidewalks for the following uses:

1. Agricultural use;
2. Cemeteries;
3. Telecommunication tower;
4. Off-premise sign;
5. Minor utilities; and
6. Other uses not containing a primary building on the lot (except for a parking facility).

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 6.12.2. Residential

A. Minimum Width and Location of Pedestrian Improvements

1. The minimum width and location of pedestrian improvements shall be in accordance with the Thoroughfare Plan.
2. Sidewalks a minimum of five (5) feet in width shall be provided along local roads (public and private).
3. Payment-in-Lieu. Pedestrian improvements may be waived in exchange for fees as determined by the Director of Engineering.

(Ord. 071618F, 07/19/2018; Ord. 121922E, 01/17/2023)

Effective on: 1/17/2023

Sec. 6.12.3. Non-Residential

A. Minimum Width and Location of Pedestrian Improvements

1. The minimum width and location of pedestrian improvements shall be in accordance with the Thoroughfare Plan.
2. Sidewalks a minimum of five (5) feet in width shall be provided along local roads (public and private).
3. Payment-in-lieu. Pedestrian improvements may be waived in exchange for fees as determined by the Director of Engineering.

B. Internal Pedestrian Walkways

1. Continuous internal pedestrian walkways, no less than six (6) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance.
2. At a minimum, walkways shall connect building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds and ground cover.
3. All internal pedestrian walkways shall be distinguished from driving surfaces using durable, low maintenance surface materials such as integrated colored concrete pavers, scored or textured concrete and bricks to enhance pedestrian safety and comfort.

C. Sidewalks Adjacent to the Building

Sidewalks, not less than 10 feet in width, with a four (4) foot wide (adjacent) planting bed, shall be provided along the full length of the front elevation(s) of the building with the following exceptions/ conditions:

1. A six (6) foot wide sidewalk, with four (4) foot wide (adjacent) planting bed shall be permitted along all side and rear elevations featuring a customer entrance and/or abutting public parking areas;
2. All planting beds adjacent to foundation sidewalks shall contain the foundation plantings as required by Article 6.7. Landscaping Standards;
3. Office buildings and individual standalone retail structures shall be permitted six (6) foot wide sidewalks, with four (4) foot wide (adjacent) planting beds, along all front elevations, and side and rear elevations featuring a customer entrance and/or abutting public parking areas;
4. Under no circumstance shall any sidewalk have less than six (6) feet of clear space;
5. Sidewalks may also be required along any side or rear elevation deemed appropriate by TAC or the Director; and
6. Internal crosswalks may be required when deemed appropriate by TAC or the Director.

(Ord. 071618F, 07/19/2018; Ord. 081919D, 08/19/2019; Ord. 121922E, 01/17/2023)

Effective on: 1/17/2023

Article 6.13. Permitted Non-residential Structure Standards

Contents:

Sec. 6.13.1. Applicability

Sec. 6.13.2. Non-residential Structures

Sec. 6.13.1. Applicability

This Article applies to Non-residential uses that are specifically permitted as an allowed use or conditional use in residential zoning districts.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 6.13.2. Non-residential Structures

A. Compliance

Unless specifically provided in this Article, Non-residential structures in Residential Zoning Districts shall comply with all other development standards within the UDO.

B. Exemption

Non-residential structures for agricultural purposes located in the Agricultural or Estate Residential Zoning Districts shall be exempt from this Article.

C. Location

Accessory structures shall not be located within any required setback.

D. Architectural Design Standards

Any Permitted Non-residential structure in a Residential Zoning District shall comply with Sec. 6.3.5. Mixed Use & Non-Residential Design.

E. Maximum Luminaire Elevation

Luminaires within 50 feet of the property line shall not be mounted higher than 15 feet above grade. All other luminaires shall not be mounted higher than 20 feet above grade.

F. Scoreboards and Public-Address Systems

Scoreboards and Public Address (PA) systems are prohibited on lots less than 75 acres nor are any scoreboards or PA systems, or part thereof, allowed within 500 feet of private residentially owned or used property.

G. Structure Quantity Standards

More than one (1) primary structure is permitted within the buildable area of the site.

H. Maximum Impervious Surface Coverage

The maximum impervious surface coverage area for non-residential uses in residential districts shall not exceed 75% of the lot.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Article 6.14. Property Identification Standards

Contents:

Sec. 6.14.1. General

Sec. 6.14.1. General

A. Purpose & Intent

The purpose and intent of this Article is to require property identification for buildings within the City for public safety and emergency response purposes, and set enforcement provisions for failure to display said identification. These standards are not considered a sign as described in [Article 6.17. Signage Standards](#).

B. Standards

1. The assigned premises identification (street address) of a building shall be displayed in such a manner so that the numerals can readily be seen from the street. The size of the addresses shall comply with the applicable standards required by the Building Code.
2. Any dwelling or commercial building that abuts an alley or secondary access that could be used by motor vehicles shall not only display the premises identification on the front but shall also display its premises identification visible from the alternate access to the property.
3. Any structure with a main entrance that is not directly accessible or visible from any roadway or parking lot shall also display the premises identification at the main entrance.
4. Any structure for which there exists a ground or monument sign shall also display the premises identification on the ground or monument sign.
5. When the numerals representing premises, identification are removed or become illegible, such numerals shall be renewed or replaced by the owner or occupant of the building.
6. The provisions of this Article requiring premises identification shall apply to all existing residential and non-residential structures within the City.
7. The surface area devoted to these provisions do not count to the sign area allocations in [Article 6.17. Signage Standards](#).

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Article 6.15. Public Art Standards

Contents:

Sec. 6.15.1. General

Sec. 6.15.2. Public Art

Sec. 6.15.1. General

1. The City encourages the incorporation of public art in all developments and projects.
2. Public art, incorporated into a project, which meets the standards of this Article, may be eligible for up to a 25% reduction in the required open space for said project.
3. A proposal for public art seeking a reduction in open space shall be reviewed by the Director. The Director shall be charged with reviewing for compliance with the criteria provided above and shall also determine the amount of open space reduction.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 6.15.2. Public Art

A. Artistic Excellence

Public art should aim to have the highest aesthetic standards by enabling artists to create original and sustainable artwork, with attention to design, materials, construction, and location, and in keeping with the best practices in maintenance and conservation.

B. Visibility

Public art should generate visual interest by creating focal points, meeting places, landmarks, modifiers or definers that will enhance the City's image.

C. Authenticity

Public art should enliven and enhance the unique quality of a sense of place, within the new development or community.

D. Cultural Literacy

Public art should foster common currency for social and economic exchange between residents, and attract visitors by ensuring that they have access to visual 'clues' that will help them navigate and embrace a potentially unfamiliar environment. This can be further achieved through promotional materials and tours that enhance and expand upon the impact of public art installations.

E. Responsiveness

Public art should be developed as part of the Development Plan or Concept Plan. Without formally incorporating public art into the early stages of the planning process for each new development, it will either be left out, or appear out of sync with the overall growth of the built environment

F. Public Property

All public art erected in or placed upon City property must be approved by the Director.

G. Private Property

1. Public art in privately owned developments should be fully integrated into the development's design, in the most accessible and visible locations. In addition to publicly accessible exterior locations, enclosed lobbies and roof top gardens are considered appropriate locations.
2. Artwork in retail streets and developments will need to be reviewed in relation to existing signage and store frontage to make sure the art will not impact the visibility or access to the store.
3. Attention should be paid to how the artwork will appear amidst mature landscaping.
4. Special care should be made to avoid locations where public art may be damaged, such as the vehicular right-of-way.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Article 6.16. Setback Standards

Contents:

Sec. 6.16.1. Applicability

Sec. 6.16.2. Building Setbacks

Sec. 6.16.3. Setback Encroachment

Sec. 6.16.1. Applicability

This Article shall apply to all zoning districts.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 6.16.2. Building Setbacks

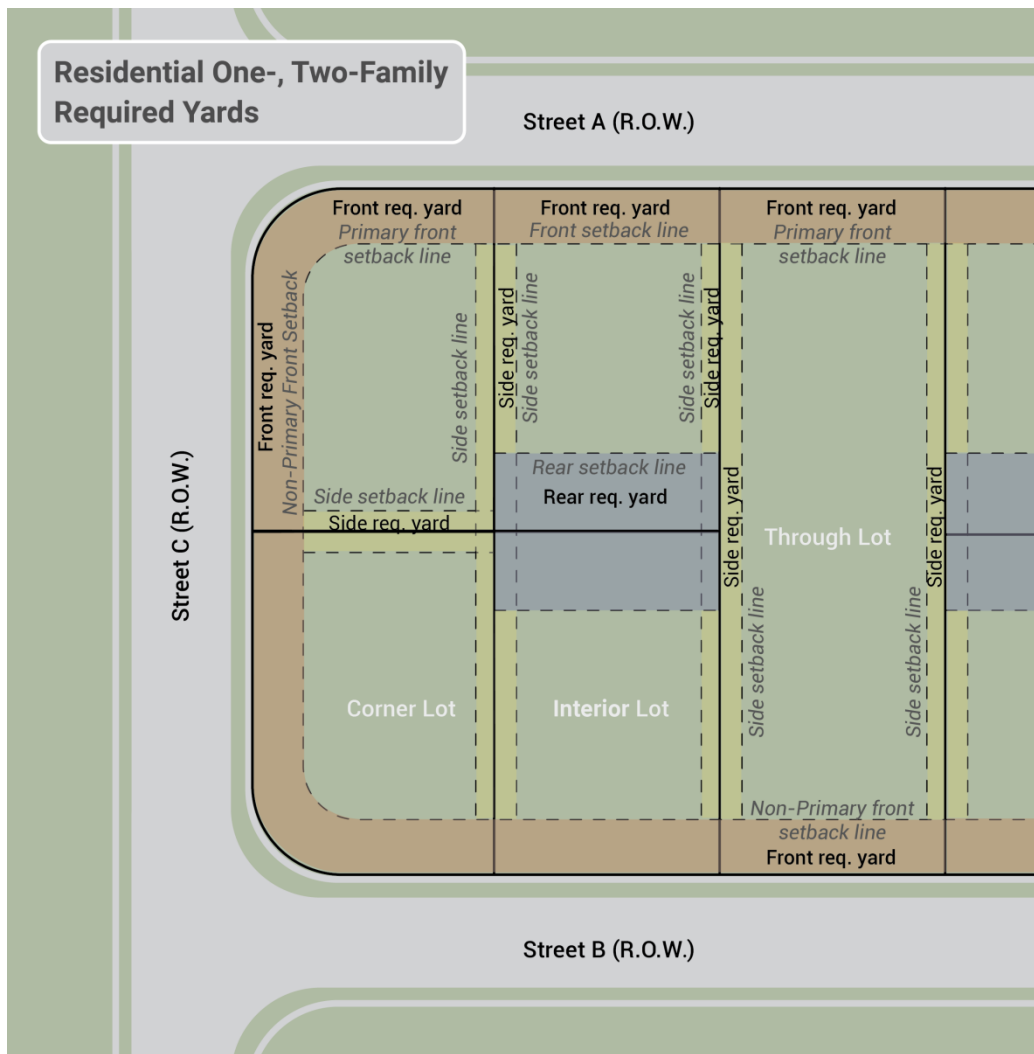
A. Setback Types

1. There are three (3) types of setbacks measured from property lines: front setback, side setback, and rear setback.
2. Setbacks are measured from the edge of the existing or proposed right-of-way as specified in the Thoroughfare Plan, whichever is greater.

B. **Measurement of Building Setbacks**

1. **Front.** Front setbacks are measured perpendicular from the front property line.
2. **Side.** Side setbacks are measured perpendicular from the side property line.
3. **Rear.** Rear setbacks are measured perpendicular from the rear property line or the edge of the existing or proposed right-of-way, whichever is greater, where there is an alley.
4. **Average Measurement.** Where a subdivision has been platted and substantially built-out utilizing any setback standard less than that required by CHAPTER 3. ZONING DISTRICTS, an infill lot may utilize the average setback as defined in CHAPTER 12. DEFINITIONS.





C. Other Setbacks

1. **Top of Slope.** Primary and accessory structures shall be set back a minimum of 1/4 the height of the structure, plus the width of the eaves, plus an additional five (5) feet from the top of bank of any watercourse.
2. **Floodplain Setback.** Primary and accessory structures shall be set back a minimum of 25 feet from the edge of the 100-year floodplain.

D. Commercial Setbacks

1. In addition to A. and D. above, the buffer yard standards of [Article 6.7. Landscaping Standards](#), where a side or rear yard abuts either the side or rear lot line of an adjacent residential zoning district, the following standards for perimeter yards apply:
 - a. The side yard shall not be less than 30 feet, exclusive of any driveway or parking area, and the rear yard 50 feet.
 - b. The rear yard may be used for off-street parking, if a 30-foot wide buffer yard is maintained along the entire length of the yard exclusive of any easement.
 - c. The requirements for perimeter yards shall not apply in those instances where commercial or industrial uses, legally established by permanent variance or lawful nonconforming use exists upon such adjoining lot or abutting frontage property, although residentially zoned.
2. **Frontage roads** or drives paralleling any road or street shall require a setback or front yard of 50 feet.
3. If any portion of the side yard is used for a driveway, there shall be provided and maintained a five-foot (5') planting area extending across 50% of the length of the side yard exclusive of all easements.

E. Industrial Setbacks

1. Frontage roads or drives paralleling any of the above roads or streets shall require a setback or front yard of 100 feet.
2. If any portion of the side yard is used for a driveway, there shall be provided and maintained a five-foot (5') planting area extending 50% of the length of the side yard exclusive of all easements.
3. In projects containing two (2) or more separate buildings, the minimum side yards shall be equal to the combined total of all required side yards.
4. Where a front yard abuts a street, on the opposite side of which is a residential zoning district, either zoned or occupied, the following standards apply:
 - a. The minimum front setback shall be 100 feet.
 - b. The front yard may not be used for parking, unless the street is designated as an expressway, interstate, major thoroughfare or thoroughfare.
5. Where a side or rear yard abuts either the side or rear lot line of an adjacent residential zoning district, the following standards apply:
 - a. The side yard shall be not less than 75 feet, exclusive of any driveway or parking area, and the rear yard shall be not less than 100 feet.
 - b. The rear yard may be used for off-street parking, if a 50-foot wide buffer yard is maintained along the entire length of the yard exclusive of all easement.
 - c. The requirements for perimeter yards shall not apply in those instances where commercial or industrial uses, legally established by permanent variance or lawful nonconforming use exists upon such adjoining or abutting frontage property, although residentially zoned.

(Ord. 071618F, 07/19/2018; Ord. 081919D, 08/19/2019; Ord. 031725C, 04/21/2025)

Effective on: 4/21/2025

Sec. 6.16.3. Setback Encroachment

All buildings and structures must be located at or behind required setbacks and shall not encroach into a required easement, except as listed below:

A. Building Features

1. Overhangs, wingwalls, bay windows, and residential chimneys may encroach two (2) feet into a required setback. An overhang or cornice on a commercial project may encroach four (4) feet into the required setback.
2. No part of any non-residential or mixed-use structure or building, excluding eaves or a cornice overhang (described above), or a canopy over an entrance, not exceeding 15 feet, shall be within a required yard area.
3. A porch that does not extend above the level of the first floor of the building may encroach into any required front or side yard up to four (4) feet.
4. Window wells may encroach up to four (4) feet into a required side setback so long as the minimum setback is no less than three (3) feet from the side property line.
5. Decks, attached patio covers, and sunrooms may encroach up to 50% into a required rear setback so long as the minimum setback is no less than five (5) feet from the rear property line.
6. Commercial projects may have an entrance canopy that extends 15 feet into the required setbacks.

B. Mechanical Equipment and Utility Lines

1. Mechanical equipment associated with residential uses, such as HVAC units, may extend into a required rear or side setback, if such extension is at least three (3) feet from the vertical plane of any lot line.
2. Solar panels or wind turbines may extend into a required rear or side setback, if such extension is at least three (3) feet from the vertical plane of any lot line.
3. Rainwater collection or harvesting systems may extend into a required rear or side setback, if such extension is at least three (3) feet from the vertical plane of any lot line.
4. Utility lines located underground and structures accessory to utility lines (such as hydrants, manholes and transformers and other cabinet structures) may extend into any setback.

C. Other Setback Encroachments

1. Walls and fences may encroach into a required easement and shall comply with [Article 6.18. Wall & Fence Standards](#).
2. Sidewalks and multiuse paths along any right-of-way or ingress/egress easement and that connect buildings to the public sidewalk system are exempt from the setbacks in this Article.
3. Driveways in single-family residential zoning districts are exempt, but shall not be closer than one-foot (1') to side and rear property lines unless a shared drive is utilized in accordance with [Article 6.4. Entrance & Driveway Standards](#). Non-residential driveways shall comply with [Article 6.4. Entrance & Driveway Standards](#).
4. Accessory Structures per [Article 6.2. Accessory Structure Standards](#).
5. Landscaping is exempt from this Article, but shall abide by the landscaping standards in [Article 6.7. Landscaping Standards](#).
6. Trails in parks and recreation facilities are exempt from the setbacks in this Article.
7. A community guard house is exempt from the setbacks in the zoning district; however, it must be in the median of boulevard entrance with a 25-foot setback from the right-of-way of the intersecting street.

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [121922E](#), 01/17/2023)

Effective on: 1/17/2023

Article 6.17. Signage Standards

Contents:

Sec. 6.17.1. Purpose & Intent

Sec. 6.17.2. Applicability

Sec. 6.17.3. Sign Permit Required

Sec. 6.17.4. Exempt Signs

Sec. 6.17.5. Prohibited Signs

Sec. 6.17.6. Free-Standing Signs

Sec. 6.17.7. Building Signs

Sec. 6.17.8. Temporary Signs

Sec. 6.17.9. Other Sign Types

Sec. 6.17.1. Purpose & Intent

The intent of this Article is to encourage the effective use of signs as a means of communication while maintaining the City's aesthetic environment by ensuring compatibility of signs with the area surrounding them. The sign regulations are not intended to censor speech or to regulate viewpoints. The purpose of these regulations is to:

- A. Provide each sign user an opportunity for adequate identification while guarding against excessive advertising and the confusing proliferation of signs by regulating the time, place and manner under which signs may be displayed.
- B. Ensure signs are in harmony with the building, the neighborhood (both existing commercial and residential or existing or proposed), and other signs in the area by eliminating sign clutter and promoting compatibility, proportion, simplicity, design quality, and sign effectiveness.
- C. Protect the safety of motorists and pedestrians by minimizing the distraction of excessive and intrusive signs as well as to protect the life, health, property, and general welfare of residents and visitors.

(Ord. 071618F, 07/19/2018; Ord. 081919C, 08/19/2019)

Effective on: 8/19/2019

Sec. 6.17.2. Applicability

A. Signs Allowed

The sign standards provided in this Article are intended to apply to all types of signs in all zoning districts, notwithstanding Section B. below. The only signs permitted are those stated in this Article; all other signs are prohibited unless otherwise stated within the UDO.

B. New Zoning District

If a new zoning district is created after the enactment of this Article, no signs shall be allowed until this Article is amended to govern the new zoning district.

C. Official Signs

Nothing contained in this Article shall prevent the installation, construction, or maintenance of official traffic, fire, or police signs, temporary traffic-control signs used during construction and maintenance of utility facilities, and substructure location and identification signs required to protect these facilities, devices, and markings of the state Department of Transportation, Director, Council, or of other competent public authorities, or the posting of the notices required by law. For the purposes of this Article, Official Pond Safety Signs shall be considered to be Official Signs regardless of location and/or responsibility for construction and maintenance of said signs.

D. Viewpoint Neutrality

1. No sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.
2. Signs shall be regulated in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected commercial speech by message content.

(Ord. 071618F, 07/19/2018; Ord. 081919C, 08/19/2019; Ord. 101121H, 11/15/2021)

Effective on: 11/15/2021

Sec. 6.17.3. Sign Permit Required

- A. It is unlawful for any person to place, alter, or to permit the placement or alteration of a sign, including painted signs, upon any lot without first obtaining an approved sign permit application from the Department (see also Sec. 10.2.18. Sign Permit). Signs that are exempt from this requirement are listed in the Sec. 6.17.4. Exempt Signs below.
- B. When a sign permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of said permit without prior approval of the Department. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Department.
- C. A permanent sign permit shall not be issued before a change of use, change of occupancy, or tenant space finish permit application has been filed.

(Ord. 071618F, 07/19/2018; Ord. 081919C, 08/19/2019; Ord. 101121H, 11/15/2021)

Sec. 6.17.4. Exempt Signs

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

- A. Corner stone signs up to nine (9) square feet per face that are carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure.
- B. Signs on an ATM up to 20% of the entire ATM machine.
- C. Artwork, murals, sculpted elements, and the like as reviewed and confirmed by the Director.
- D. Three (3) flags per site.
- E. Decorations for holidays and special events. Signs for special events shall comply with this Article.
- F. A change to the sign copy or panel replacement in a manner that will not alter or relocate the sign structure in any manner is exempt.
- G. Maintenance-Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure that does not include a structural change.
- H. Public safety, traffic control and other signs established on City owned property or within the right-of-way that have been reviewed and approved by the City.
- I. Official Pond Safety Signs in accordance with [Sec. 8.5.4. Official Pond Safety Signs](#) on public or private property where and when required by the UDO.
- J. Window signs in accordance with [Sec. 6.17.9.D. Window Signs](#).
- K. Safety signs required by federal, state, or local law, including Occupational Safety and Health Administration (OSHA), fire, or building code signage.

(Ord. [071618F](#), 07/19/2018; Ord. [081919C](#), 08/19/2019; Ord. [111620B](#), 12/21/2020; Ord. [101121H](#), 11/15/2021; Ord. [011822](#), 02/21/2022; Ord. [031626C](#), 04/20/2026)

Effective on: 4/20/2026

Sec. 6.17.5. Prohibited Signs

- A. No sign or other advertising device with visible moving parts or with flashing, animated, or intermittent illumination shall be erected.
- B. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic control sign, signal or device. No rotating beam, beacon, or flashing illumination resembling any emergency lights shall be used. No sign shall emit any form of sound or sounds.
- C. No permanent sign shall contain any fluorescent paint or the like, including mirrors, which has the effect of intensifying reflected light.
- D. No sign of a permanent or temporary nature shall be affixed to any fence, tree, or any utility structure.
- E. Ribbon, pennants, balloons, streamers, strings of light bulbs, spinners, feather flags or any other similar device is prohibited unless otherwise allowed in the UDO.
- F. No sign structure shall obstruct any window, door, fire escape, stairway, or any opening intended to provide air, egress, or ingress for any building or structure.

G. No sign shall be placed within the City of Fishers right-of-way other than traffic and designation signs or others approved by the City of Fishers or their designee.

1. Exemptions: The following signs are exempt from the prohibition on placement in the right-of-way so long as they do not obstruct any traffic or designation signs or obstruct the view of drivers on City of Fishers streets:

- a. Government signs that are placed by government officers in the performance of their official duties;
- b. Temporary or permanent signs erected by public utility companies or construction companies in the performance of their professional duties; and
- c. Temporary signs necessary to prevent an immediate threat to public health and safety.

2. "Right-of-way" shall mean the land contiguous to a City of Fishers street, extending a minimum of twenty (20) feet from the centerline of the street, pursuant to [Indiana Code § 8-20-1-15](#), and shall include additional land which contains sidewalks, multi-use paths, drainage ditches along the road, land conspicuously used for the placement of public utilities, and/or directional signs.

a. In the event there is no obvious designation of the right-of-way based upon the above, the term City of Fishers right-of-way shall include at least the area between the edge of pavement of a City of Fishers street to the farthest of the following distances:

1. The area between the City of Fishers street and the furthest edge of a public trail or sidewalk; or
2. The edge from the City of Fishers street to above-ground utility poles or other utility structures, which are installed parallel to the City of Fishers street.

b. Any person seeking the information concerning the width of City of Fishers right-of-way at a specific location of a City of Fishers street may contact the Department of Engineering. A request must specifically identify the location of the right-of-way by street location.

3. The Director of Planning & Zoning, the Director of Permitting & Inspections, or their designee may remove any sign placed or maintained in violation of this Section. Any person designated above may remove a sign located within City of Fishers right-of-way or on property owned by the City immediately and without notice. Neither the City of Fishers, nor a person designated by the City of Fishers, shall be liable to the owner of the sign for the removal of the sign in the City of Fishers right-of-way or on land owned by the City.

H. No sign shall be placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not apply to signs or lettering on buses, taxis or vehicles operating during the normal course of business.

I. Electronic message boards and digital sign panels are prohibited unless otherwise allowed in the UDO.

J. Off-premise signs meaning signs that display a message directing attention to a business, product, service, profession, commodity, event, person, institution, or commercial activity, which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere that on the premises where the sign is located.

(Ord. [071618F](#), 07/19/2018; Ord. [081919C](#), 08/19/2019; Ord. [102119C](#), 10/21/2019; Ord. [101121H](#), 11/15/2021; Ord. [041822E](#), 05/16/2022)

Effective on: 5/16/2022

Sec. 6.17.6. Free-Standing Signs

A. In General

1. **Landscaping** shall be provided around the **ground sign** equal to the square footage of one sign face. The landscaped area shall radiate out a minimum of three (3) feet from the base of the sign. Landscaping shall be provided and planted to substantially cover the area with landscape materials such as, but not limited to evergreens, annuals, ground covers, perennials, shrubs, and ornamental trees. The landscaping shall be at least 50% evergreen shrubs. Landscaping plans shall be included with the permit application.
2. Free-standing signs may be internally, externally, or non-illuminated in non-residential districts. If the sign is internally illuminated, light may only project through routed out letters. In residential districts, free-standing signs shall **use** external lighting, reverse (halo-lit) channels or non-illuminated letters only.
3. Free-standing signs shall complement the materials of the community, primary building or non-residential center, complex, business **park** or campus on which it is located. The support structure shall be covered by masonry materials such as natural flagstone and/or brick
4. A sign shall be located no closer than five (5) feet to the property line.
5. **Height.** The maximum height for free-standing signs is measured from the grade of the sign to the top of the lettering. The overall height allowed for the sign may be increased by 25% for architectural elements that extend above the lettering height.
6. **Existing Pole Signs.** An existing pole sign that was permitted within special districts encompassing the I-69 highway interchange may be replaced with an Integrated Center Sign (see also [Sec. 6.17.6.F. Integrated Center Signs](#)) The maximum **sign area** shall be 240 square feet, with an overall height of 28 feet. To replace an existing pole sign, a written request and permit application must be submitted to the Department for review.

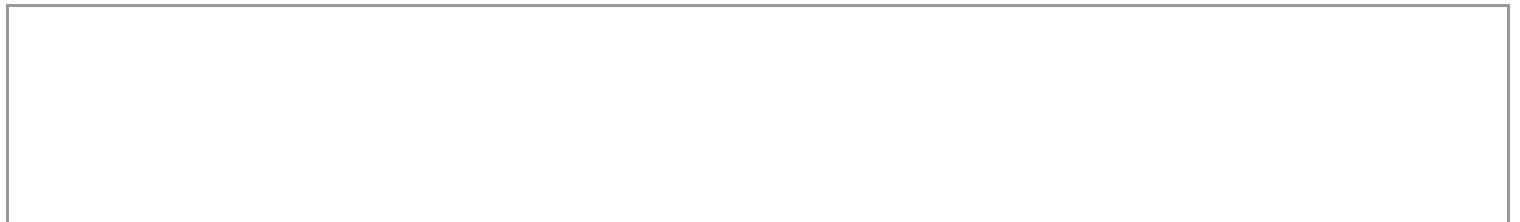
B. Signs Located at a **Subdivision/Condominium/Apartment Complex**



A ground mounted sign that defines the entrance to a subdivision, condominium or apartment complex.

Location	
Number of signs per subdivision entrance	Either one (1) with two (2) facing, or two (2) signs with one (1) facing each
Placement	Allowed at an intersecting right-of-way
Size	
Sign area (max) per face	32 sf
Height	6'

C. Signs Located in the Interior of a Subdivision





A ground mounted sign located at the entrance to an individual neighborhood within a larger subdivision.

Location	
Number of signs	Either one (1) with two (2) facing, or two (2) signs with one (1) facing each.
Placement	Allowed at an intersecting right-of-way.
Size	
Sign area (max) per face	16 sf
Height	3'

D. Signature Monuments



A sign that is located at the entrance to a subdivision or apartment complex that is mounted on a signature monument. This monument shall be designed to enhance the identity of the community. Examples of signature monuments, include, but are not limited to: a fountain, clock tower, masonry gazebo, outdoor plaza with water feature, etc.

Location	
Number of signature monuments per subdivision	1
Placement	At an intersection of two (2) collector streets or higher classification roadways
Size	
Sign Area (max) per face	32 sf
Height	6'
Miscellaneous	
Signature monuments shall be reviewed by the PUD Committee for approval within a PUD District.	

E. Ground Signs Located on Lots with Non-Residential Uses



A ground mounted sign with up to two (2) faces located on a standalone lot that is not part of an integrated center.

Allocation	Property Frontage		
	0-250 ft.	250-500 ft.	> 500 ft.
Number of signs per lot	1	2*	2*
Size			
Sign area (maximum) per face	32 sf	32 sf each or one (1) 60 sf sign	45 sf each or one (1) 90 sf sign.
Height	6'	6' each or one (1) at 8'	7' each or one (1) 10 ft.
Miscellaneous			
Ground signs may contain an area for changeable copy; however, no more than 25% of the sign area shall be changeable copy.			
*Ground signs on the same street frontage shall be separated by a minimum distance of 200 lineal ft. between signs on the same lot			

F. Signs Located at Integrated Center



A permanent ground mounted sign with multiple tenant signs erected on a single sign structure. An Integrated Center Sign in lieu of individual or multiple ground signs.

Property Frontage					
Frontage Requirement	1. 37 – 141 st St. to I-69 (Exhibit A)	126 th , 131 st , and 141 st St. within the SR. 37 Corridor (Exhibit A)	96 th St., Hague Rd., & South Lantern Rd. (Exhibit B)	Other 5-acre sites along primary arterials	Other 5-acre sites along a secondary street
Min frontage to qualify*	1,320'	660'	660'	none	none
SIZE					
Sign area (maximum) per face	240 sf	180 sf	180 sf	180 sf	90 sf
Height (max)	28'	20'	20'	20'	10'
MISCELLANEOUS					

1. Integrated developments having a 2nd entrance on a primary arterial may be permitted a 2nd integrated sign provided both signs are reduced in area by 50%.
 2. Lots within the integrated center development shall be permitted one (1) additional 32 sf ground sign, with an overall height of 5 ft. Individual lot signs shall be located along an internal street within the integrated center, and not along the perimeter street.
- * Frontage may include multiple adjacent property owners

EXHIBIT A

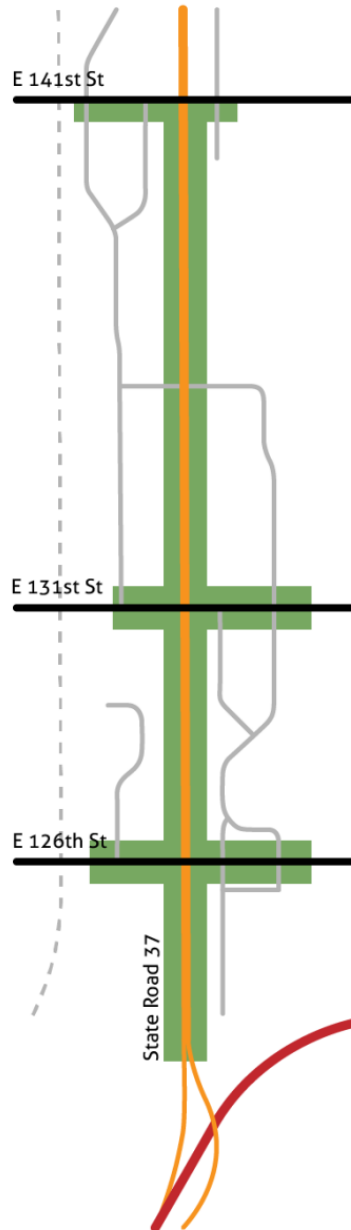
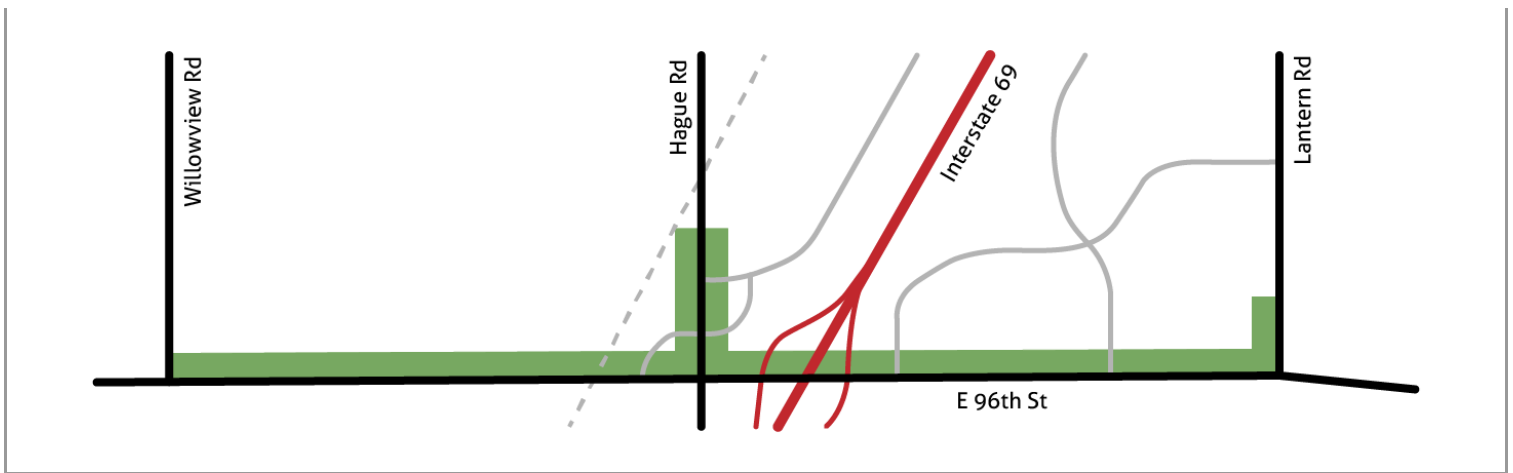


EXHIBIT B



(Ord. [071618F](#), 07/19/2018; Ord. [081919C](#), 08/19/2019; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

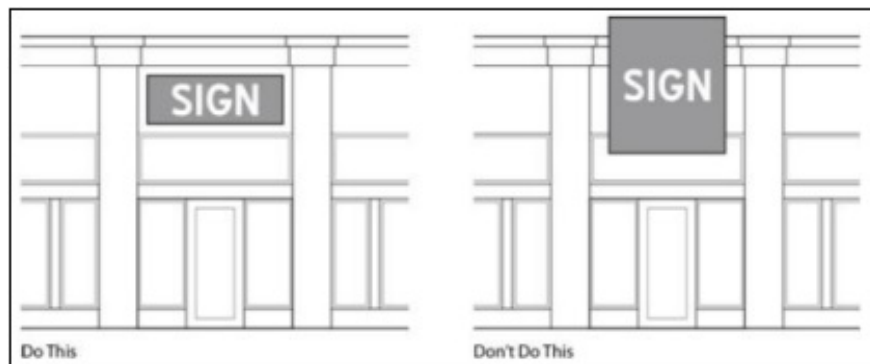
Sec. 6.17.7. Building Signs

A. Description

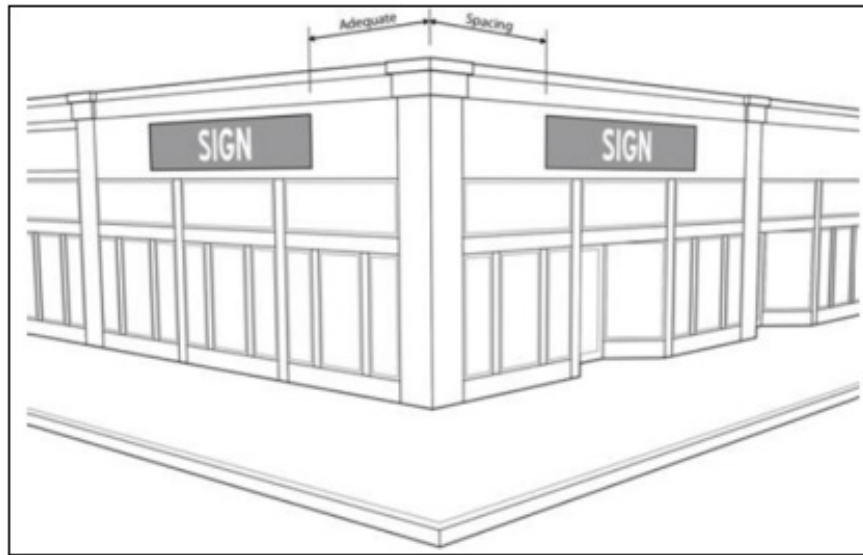
A wall sign is a sign attached flat to or mounted away from but parallel to the building wall. Wall mounted signs shall be individually mounted letters affixed directly on a wall or on an internal raceway. Cabinet signs will be permitted if they are mounted flush with the façade of the building and use routed out letters with internal illumination.

B. General Requirements

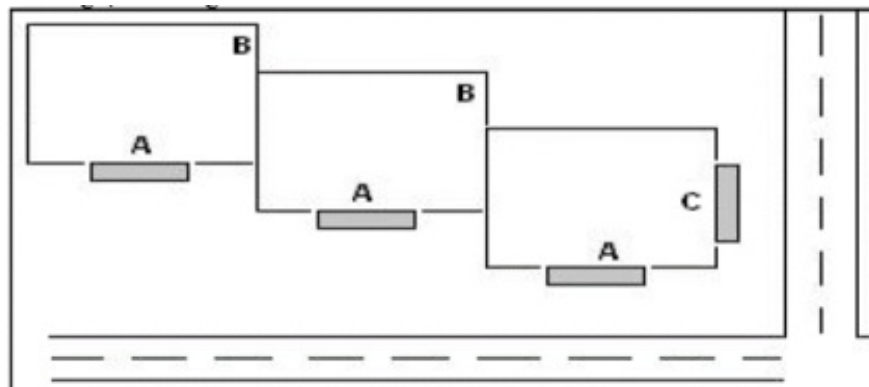
1. **Sign Construction.** Permanent signs shall be constructed of materials, including but not limited to, metal, wood, acrylic, or other durable weatherproof materials. Painted or vinyl signs may be approved when the sign design is compatible with the building design.
2. **Sign Removal or Replacement.** When a sign is removed, all brackets, poles, and other structural elements that supported the sign shall also be completely removed. The property owner shall restore all holes and affected building surfaces to match the adjacent portion of the building.
3. **Sign Integration.** All signs shall be designed as an integral part of the overall building design and shall be in a manner consistent with the building's design.



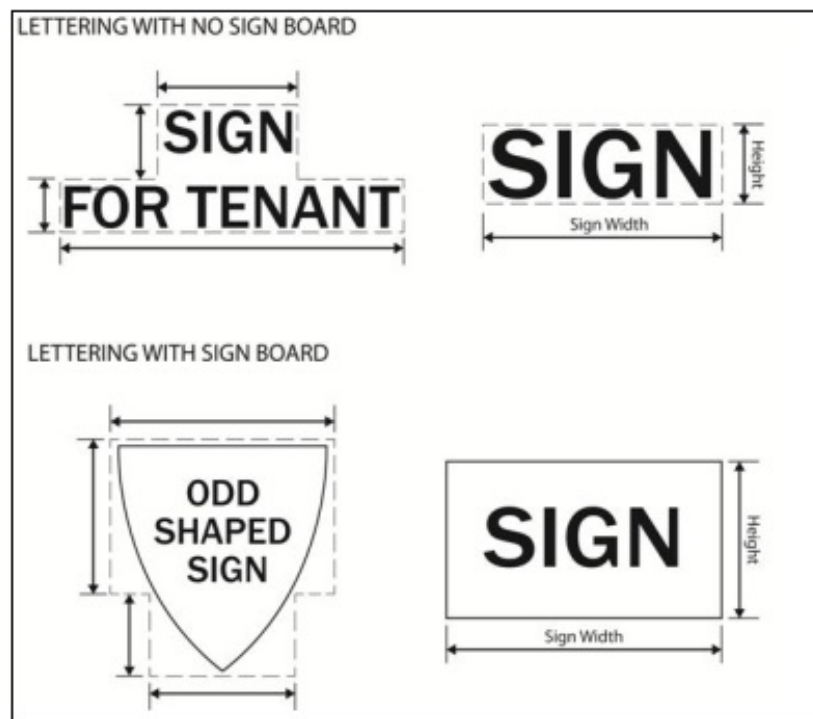
4. No sign shall be placed in or on an architectural designed area of a primary structure that is created for the sole purpose of gaining more signage or additional height for the wall sign.
5. **Frontage on Two (2) or More Streets.** A building on a lot that has frontage on more than one (1) street shall be allowed the authorized sign area on each street; provided, that the permitted sign areas may not be accumulated on one (1) street and shall not exceed the allowed sign area of any one (1) street.
6. **Primary Frontage and Secondary Frontages.** When building has frontage on two (2) or more streets, one of the frontages is a primary frontage and the other(s) are considered secondary frontages. The allowable sign area on secondary frontages must be reduced by 25% of what is allowed on the primary frontage.
7. **Transfer to Non-Frontage Walls.** If a permitted wall sign is transferred to an elevation with no frontage, the allowable sign area on the non-frontage wall shall be reduced by 25%.
8. **Corner Buildings.** Signs located on adjacent walls on the same building shall be separated at the corners of the building with adequate spacing to avoid a bookend design at the corner of a building (see image below).



9. **Staggered Buildings.** If the secondary frontage, elevation B (as shown in the following image), is not greater than or equal to the primary frontage, elevation A, then elevation B does not qualify as sign frontage; see the following diagram.



10. **Sign Area Computation.** The area of signs shall be calculated according to the following (see image):



- a. The area of a sign shall be measured within a single continuous perimeter of not more than eight (8) straight lines enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed.
 - b. In the case of a sign designed with more than one (1) exterior surface (e.g., 2 sides), the area shall be computed as including only the maximum single display surface that is visible from any ground position at one (1) time.
 - c. The supports, uprights, or structure on which any sign is supported shall not be included in determining the sign area unless the supports, uprights, or structures are designed in a manner as to form an integral background of the display.
11. **Increased Signage Area Allowed.** Two (2) story buildings, or less, featuring at least 50% unpainted/unglazed brick or natural stone materials, on all frontages, may receive a 10% increase in the maximum wall sign area allowed.
 12. **Secondary Sign.** Within the allowable sign area, a business may incorporate the use of a cabinet sign as a secondary sign. Secondary signs are limited to 20% of the allowable sign area.
 13. **Sign Color.** In any instance where corporate colors (striping) are used on buildings or accessory structures, in continuation of a wall sign, the total wall sign allowance shall be reduced by 50 %.
 14. **Sign Illumination.** Wall signs may be illuminated with external, internal, or reverse (back-lit) channel illumination. Neon is not allowed on building signage or along the building.
 15. **Electrical Raceways and Conduits.** Electrical raceways and conduits shall be placed so that they are not within Public View. Where this is physically impractical, or doing so would damage significant architectural features or materials, this requirement may be waived provided all raceways, conduits, and similar devices are designed in a way that they appear to be part of the overall sign or building design.

C. Wall Signs (Single-Level Buildings)



Allocation	Tenant frontage		
	< 50 ft.	50 - 100 ft.	> 100 ft.
Signs per frontage for single-tenant buildings or multi-tenant buildings with shared entrances	1	2	3
Signs per frontage, multi-tenant buildings with independent customer entrances	1 per tenant space	2 per tenant space	3 per tenant space
Size			
Area of each sign on primary frontage (maximum)	1.5 sf per lineal foot of frontage		
Total sign area allowed on primary frontage (maximum)	300 sf		
Area of each sign on a secondary frontage (maximum)	Not to exceed 75% of the allowable square footage on the primary sign. Primary sign area must be reduced by the size of each secondary frontage sign.		

D. Wall Signs (Multi-Level Buildings)



Allocation	Building floor area	
	< 50,000 sf	> 50,000 sf at least 3 levels
Signs per frontage (primary sign)	2	3
Signs for additional retail tenant spaces	1 per ground floor tenant space	
Signage shall be located above the windows on the highest floor or above the customer entrances on the ground floor.		
Size		
Total primary sign area (max)	150 sf	300 sf
Area of each retail tenant sign (max)	50 sf	

E. Awning & Canopy Signs



A sign attached flat to an awning or canopy. An awning or canopy sign is permitted for commercial buildings, in lieu of a permitted wall sign for tenant spaces located on the 1st floor only.

Size

Maximum size of the sign area on an awning shall be equal to the sign area permitted by the wall sign standards

Miscellaneous

Only the sign area of an awning or canopy may be illuminated. The balance of the awning or canopy shall be opaque to prevent the transmission of light. If the entire awning or canopy is illuminated, then the entire awning/canopy shall count towards the allowable sign area.

F. Pedestrian Blade Signs



A sign attached directly to a supporting building at a right angle. Such sign may be suspended from an arm or bracket, or may be directly mounted to a building wall or the underside of a canopy, a ceiling, or awning. Pedestrian blade signs are encouraged for tenants within a multi-tenant building.

Location

Signs per ground floor tenant space or second floor tenant space having a ground floor entrance	1
Distance between bottom of sign and existing grade (minimum)	8'
Distance projected from the wall (maximum)*	3'

Size

Sign Area (max)	4 sf

Pedestrian Blade Signs do not count towards the overall allowable wall sign area

Miscellaneous

Blade signs shall be of the same orientation, design and color for the building to create a sense of uniformity for the sidewalk-scape along each building's facade.

Pedestrian blade signs shall be non-illuminated.

If the sign projects into the right-of-way, the owner may be required to file for an encroachment permit, submit proof of insurance and certified engineered drawings detailing how the sign is attached to the building.

G. Projecting Signs



A projecting sign is a sign that is oriented vertically, perpendicular to the building's facade. Projecting signs shall be individually mounted letters affixed directly on a panel or on an internal raceway. Cabinet signs will be permitted if they are mounted flush with the façade of the building and use routed out letters with internal illumination.

Location	
Signs per ground floor tenant space or second floor space tenant having a ground floor entrance	1
Distance between bottom of sign and existing grade (minimum)	8'
Distance projected from the wall (maximum)*	No projecting sign or sign structure shall extend more than eight (8) feet from or beyond its supporting building. If the sign projects into the right-of-way, the owner may be required to file for an encroachment permit, submit proof of insurance and certified engineered drawings detailing how the sign is attached to the building.
Size	
Area (maximum)*	Per Sec. 6.17.7.C and 6.17.7.D .
Maximum height and width	Maximum height permitted for a projecting sign is 12 feet for a single level building and 18 feet for multi-level building. Maximum width is three (3) feet for a single level building and four (4) feet for a multi-level building.
*Any combination of wall and projecting signs may be utilized, so long as the total surface area of signs on a particular building side does not exceed the allowances noted in Sec. 6.17.7.C . and 6.17.7.D ., and subject to any additional provisions of Sec. 6.17.7 .	

(Ord. [071618F](#), 07/19/2018; Ord. [081919C](#), 08/19/2019; Ord. [101121H](#), 11/15/2021; Ord. [031725C](#), 04/21/2025; Ord. [031626C](#), 04/20/2026)

Effective on: 4/20/2026

Sec. 6.17.8. Temporary Signs

A. General Requirements

1. Temporary signs shall require a Temporary Sign Permit unless otherwise stated herein.
2. Temporary signs for applicants which are non-profit organizations or otherwise tax-exempt shall have no permit fee, provided they comply with all other requirements of this Article.
3. Temporary signs for tenant spaces waiting on the installation of an approved permanent sign are allowed without permit fee for up to 30 days, provided they are placed in the same location as the approved permanent sign and comply with all other requirements of this Article.
4. Temporary signs greater than 32 square feet in sign area which are displayed longer than six (6) months shall be required to install landscaping. Required landscaping shall be at least 50% evergreen. Landscaping plans must be included for review as part of the sign permit application.
5. Temporary signs must be removed upon conclusion of their permitted display duration and may not be issued another permit for a minimum of 30 days, unless otherwise approved by the Director.
6. Freestanding temporary signs shall only be placed in yards with road frontage.
7. Temporary signs shall be located outside of the public right-of-way, wholly on private property, and at least 10 feet from the edge of road pavement.
8. Temporary signs shall not be located within medians.
9. Temporary signs shall not interfere with pedestrian traffic or any existing ADA-accessible features.
10. Nothing in this Article shall be construed as approval to place a sign on private property not owned by the applicant.
11. Temporary signs shall be non-illuminated unless otherwise stated herein.

B. Post Signs on Residential Lots



A freestanding sign constructed of rigid materials intended to be displayed for a designated period. This does not include signs otherwise described in this Article.

Location	Quantity (Max)	Area (Max)	Height (Max)	Duration	Permit Required
Residential lots less than 3 acres	1 per frontage	6 sf (each)	5'	6 months	No
Residential lots 3 acres or more	1 per frontage	32 sf (each)	6'		Yes, if greater than 6 sf
Subdivision	1 per major entrance, or 1 per corner of an external intersection	32 sf (each)	6'	6 months	Yes
Model home	2 per frontage	32 sf (aggregate)	5'	During the time the model home is available to the public	Yes

A freestanding sign constructed of lightweight and/or non-durable materials intended to be displayed for a short period of time. This does not include signs otherwise described in this Article.

Location	Quantity (Max)	Area (Max)	Height (Max)	Duration	Permit Required
Residential lots	1 per frontage	6 sf (each)	3'	30 Days	No

A freestanding sign constructed of rigid materials with buried supports intended to be displayed for a designated period. This does not include signs otherwise described in this Article.

Location	Quantity (Max)	Area (Max)	Height (Max)	Duration	Permit Required
Frontage along State Road 37 and Interstate 69	1 per frontage	64 sf	10'	6 months	Yes
Along all other frontages	1 per frontage	32 sf	6'	6 months	Yes



A freestanding sign constructed of lightweight and/or non-durable materials intended to be displayed for a short period. This does not include signs otherwise described in this Article.

Location	Quantity (Max)	Area (Max)	Height (Max)	Duration	Permit Required
Street frontage	1 per frontage	6 sf	3'	30 Days	No

F. Banner Signs on Non-Residential Lots



A building-mounted or freestanding sign constructed of vinyl, fabric, or similar material intended to be displayed for a designated period. This does not include signs otherwise described in this Article.

Note: May not be attached to fences, balconies, or railings.

Location	Quantity (Max)	Area (Max)	Height (Max)	Duration	Permit Required
Building-mounted	1 per frontage or tenant space	32 sf (first or second story) 64 sf (third story or higher)	N/A	60 Days	Yes
Freestanding	1 per frontage or tenant space	32 sf	6 ft.	60 Days	Yes

G. Sandwich Board Signs on Non-Residential Lots



A movable sign not secured or attached to the ground upon which it is located and constructed in such a manner as to form an "A" or a tent-like shape.

Location	Quantity (Max)	Area (Max)	Height (Max)	Duration	Permit Required
Sidewalk (within 8 feet of tenant entry with at least 6 feet of clear space for pedestrian traffic)	1 per tenant space	6 sf	42 inches	Displayed only during business hours	No

H. Feather Flags/Blade Signs

1. Not permitted unless approved as part of a Temporary Use Permit

I. Balloon/Air-Activated Signs

1. Not permitted unless approved as part of a Temporary Use Permit

(Ord. [071618F](#), 07/19/2018; Ord. [081919C](#), 08/19/2019; Ord. [062121A](#), 07/19/2021; Ord. [101121H](#), 11/15/2021; Ord. [091922D](#), 10/10/2022; Ord. [031626C](#), 04/20/2026)

Effective on: 4/20/2026

Sec. 6.17.9. Other Sign Types

A. Fueling Stations

Fueling station shall follow the same standards as described in [Sec. 6.17.6. Free-Standing Signs](#) and [Sec. 6.17.7. Building Signs](#). In addition to the above-mentioned standards, fueling stations may incorporate the following signs into their gas pumps.

1. Fueling stations may place one (1) fueling pump decal on each of the vehicle fueling dispensers (double sided) having a maximum of one (1) square foot in sign area per decal.
2. Animated TV screens may be incorporated into fueling station pumps with a maximum size of two (2) square feet.

B. Signs for Food Operation with a Drive-Through Lane

In addition to other permitted signs, food operations with drive-thru services may also display one (1) primary sign and one (1) secondary sign per drive-thru lane with the following limitations:

1. Primary signs shall have a maximum height of six (6) feet with a maximum sign area of 40 square feet.
2. Secondary signs shall have a maximum height of six (6) feet with a maximum sign area of 14 square feet.
3. Both primary and secondary signs shall have a masonry base or materials architecturally compatible with the property's primary use.
4. Both primary and secondary signs may utilize digital sign panels, provided that:
 - a. Changes of image shall not occur more than once per hour, except up to 25% of installed signage area may change more frequently than once per hour for the purpose of customer feedback.
 - b. Image shall be a static display with no flashing, animation, or intermittent illumination.
 - c. Signs shall use automatic illumination controls to reduce light levels during night and cloudy or other darkened conditions.
 - d. Signs shall have a maximum daytime brightness of two thousand five hundred (2,500) nits and a maximum nighttime (sunset-to-sunrise) brightness of five hundred (500) nits as measured at the sign face.

C. Signs at Site Vehicular Entrances and Proximate to Drive Lanes/Aisles

Signs shall have the following guidelines:

1. Shall not exceed four (4) square feet in sign area.
2. Ground mounted signs shall have a maximum height of three (3) feet, and be located on private property.
3. Wall-mounted signs shall not exceed four (4) square feet in area.
4. Illumination of these signs may be internally, externally or non-illuminated.
5. Horizontal signs on and flush with paved areas are exempt from these standards.

D. Window Signs

In addition to other permitted signs, tenant space signs are allowed a first-floor window sign based on the following limitations:

1. The aggregate area of all window signs shall not exceed 25% of the total window area and shall not interfere with pedestrian ingress/egress.
2. Illuminated (LED, neon, etc.) window signs shall be allowed as permanent window signs and shall not exceed 15 square feet in size. The area covered by the illuminated sign(s) shall count towards the maximum window coverage limitation as described above. These signs shall not rotate, move, flash, blink, or appear to do any of the foregoing.
3. Signs interior to the tenant space that are within five (5) feet of a storefront window shall be counted as window signs.

E. Pole Banner Signs

1. Permitted for Institutional Uses only.
2. Shall not exceed two (2) square feet in sign area.

F. Construction Signage on Non-Residential Lots

1. Post Signs

- a. Post signs are permitted on construction sites with an active building permit until the certificate of occupancy has been issued, or the site has been wholly inactive for a period of 180 days.
- b. Post signs must adhere to standards as described in Sec. 6.17.8.D. Post Signs on Non-Residential Lots, unless otherwise approved by the Director of Community and Economic Development.

2. Banner Signs on Fencing

- a. Banner signs are permitted on temporary fencing for construction sites with an active building permit until the certificate of occupancy has been issued, or the site has been wholly inactive for a period of 180 days.
- b. Banner signage must be tightly secured to fencing at all points.

(Ord. 071618F, 07/19/2018; Ord. 081919C, 08/19/2019; Ord. 101121H, 11/15/2021; Ord. 031725C, 04/21/2025; Ord. 031626C, 04/20/2026)

Effective on: 4/20/2026

Article 6.18. Wall & Fence Standards

Contents:

Sec. 6.18.1. Purpose & Intent

Sec. 6.18.2. Walls & Fences

Sec. 6.18.1. Purpose & Intent

The intent of this Article is to regulate the location, height, and appearance of fences and walls in all zoning districts to maintain visual harmony within neighborhoods and throughout the city, protect adjacent properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties. Walls and fences do not require a building permit, but they must comply with the requirements of this Article.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 6.18.2. Walls & Fences

A. Location

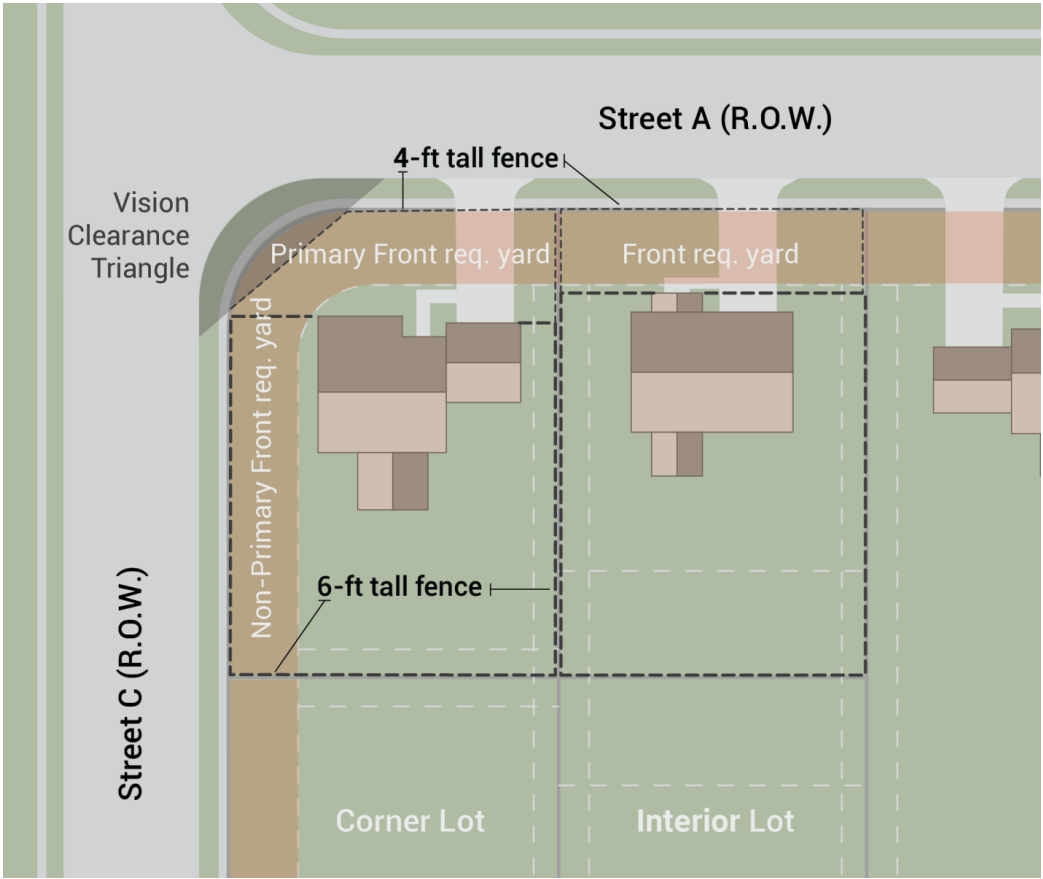
- 1. Fences may be built directly along a property line; however, fences shall not encroach into the public right-of-way, and not into easements that otherwise prohibit the installation of fences (e.g., drainage and utility easements).

B. Standards

Wall or fence height is measured from the topmost point of the fence to the grade of the ground adjacent to the wall or fence. The following standards shall apply, unless required or permitted in the UDO otherwise:

Wall or Fence Location	Max Height	Openness	Trees ¹	Shrubs ²
Within a required primary front yard of a residential zoning district and a required front yard of any zoning district except for industrial zoning districts. (See Illustration below).	4'	50%	-	-
Within a required non-primary front yard of a one- or two family residential lot (See Illustration below).	6'	Opaque	2 per 10 ft.	5 per 15 ft.
		> 50%	1 per 10 ft.	3 per 10 ft.
Within a required or established side or rear yard of a one- or two family residential lot. Perimeter wall or fence around a residential subdivision.	6'	-	-	-

Within a required or established side or rear yard in a mixed use, commercial, and non-residential districts.	6'	-	-	-
Enclosing an institutional industrial use.	8'	May consist of open mesh	-	-
1. Evergreen or canopy trees; may be clustered 2. Shrubs may be clustered				



C. Fence Installation

Walls and fences shall be constructed with the non-structural (e.g., posts, beams) facing outward (e.g., toward the property line). Walls or fences on a property line in which two (2) or more property owners share in the expense of the wall or fence, shall not be subject to this provision.

D. Vision Clearance

Walls and fences shall meet all the requirements of [Article 6.20. Vision Clearance Standards](#).

E. Landscape Easement & Common Area.

- Where landscape easements and/or common areas are established on the perimeter of a project along adjoining streets, fences or walls installed by the developer or owner shall be consistent in size, shape, character, and design.
- Where landscape easements and/or common areas are established on the perimeter of a project along adjoining streets, all required landscaping shall be located outside any fence or wall.

F. Proximity to Lakes, Ponds, or Waterways

- Walls and fences shall not be built within 15 feet of the top of bank of any lake, pond, or waterway.
- Walls or fences shall not be built within easements for lakes, ponds, or waterways.
- This provision does not apply to retaining walls that do not obstruct access.

G. Athletic Facilities

Fences used for ball diamonds, tennis courts, or other similar uses shall be exempt from the height limitation, but shall be subject to the minimum setback standards for the zoning district in which it is located.

H. Maintenance

- 1. Walls or fences are required to be properly maintained and kept in good repair always.
- 2. Walls and fences shall be maintained by the owner of the real estate and their successors in title.

I. Safety Restrictions

Except where used for agricultural purposes or City facilities, fences and walls shall not incorporate barbed wire, security wire, sharpened top spikes, electrified wires or the like.

J. Safety Fencing

- 1. The Director may require that safety fencing be placed around all construction sites or other hazards presenting an immediate danger to the public health, safety and welfare.
- 2. Construction fencing shall be consistent throughout the property, shall be in place at the time construction activity begins and shall be removed upon issuance of a Certificate of Occupancy. Removal of safety fencing when necessary for work or access during operational hours is permitted, but the fencing shall be replaced when the site is not occupied or is not operational.
- 3. Temporary utility fencing (e.g. barrier fencing, snow fencing, etc.) may be erected to address short-term environmental and safety situations, and shall be removed upon the cessation of the conditions it was installed to address or upon the order of the Director.

K. Declaration of Covenants

Property owners are advised to refer to their subdivision’s Declaration of Covenants, which may impose greater restrictions than are found in the UDO.

L. Chain-link Fences

- 1. Chain-link fences shall be vinyl-coated.
- 2. Slats are prohibited in chain-link fences.
- 3. Chain-link fences shall only be erected in side or rear yards, and are prohibited adjacent to any street right-of-way and in any required front yard.
- 4. Chain-link fences shall be permitted in the front yard of an industrial zoning district.

(Ord. 071618F, 07/19/2018; Ord. 081919D, 08/19/2019; Ord. 031725C, 04/21/2025)

Effective on: 4/21/2025

Article 6.19. Water & Sewer Standards

Contents:

Sec. 6.19.1. General

Sec. 6.19.1. General

This Article applies to all zoning districts when a new primary structure is constructed or one (1) or more additional bedrooms are added to an existing primary structure, or when there is a change of use to the primary structure.

A. Sewage Disposal

Sewage disposal for any property shall comply with the Fishers Code of Ordinances: Title XVII: Health Department or the Hamilton County Health Department.

B. Abandonment or Failure

1. **On-site Sewage Disposal System:** When an on-site sewage disposal system is abandoned or fails, the property owner shall meet the requirements of the [State Septic Code](#).
2. **Well:** When a well is abandoned, the property owner shall apply for the necessary permits from the appropriate Health Department.

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [111620B](#), 12/21/2020)

Effective on: 12/21/2020

Article 6.20. Vision Clearance Standards

Contents:

Sec. 6.20.1. Applicability

Sec. 6.20.2. Vision Clearance

Sec. 6.20.1. Applicability

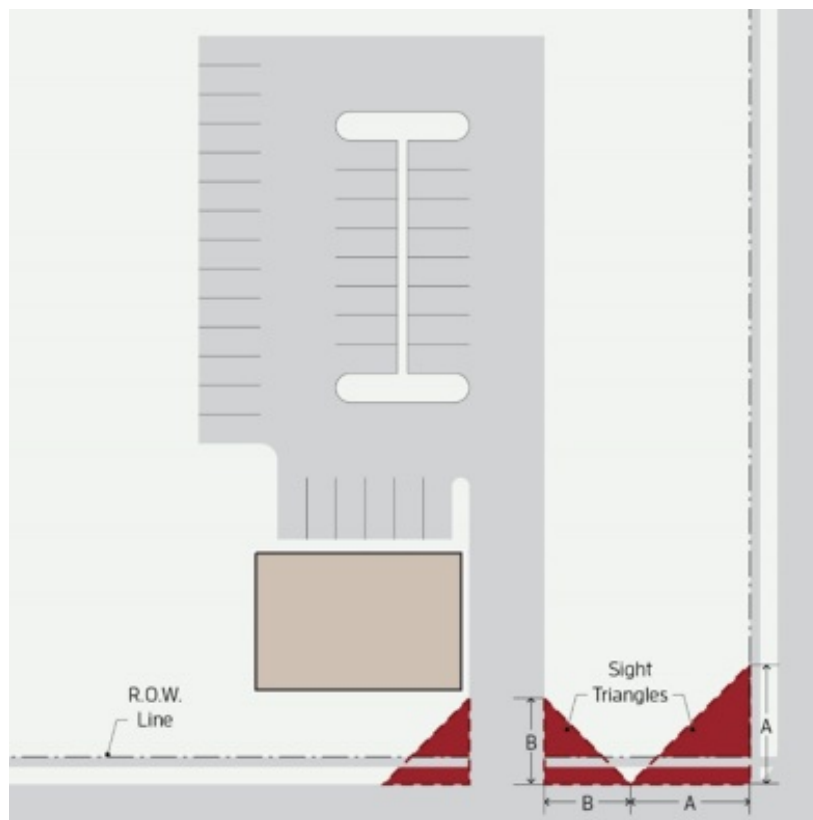
Regardless of the minimum setback and separation standards listed for each zoning district or any other development standard within the UDO, all structures are subject to the triangle clear area, unless specifically exempted elsewhere in the UDO.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 6.20.2. Vision Clearance

1. A vision clearance triangle area shall be maintained at every intersection free from any kind of obstruction to vision between the heights of three (3) feet and eight (8) feet above the established street grade.



2. Vision clearance triangle leg lengths shall be 25 feet measured from the projected intersection of the right-of-way lines and/or 35 feet measured from the back of curb or edge of pavement, whichever is greater (see “A” in the illustration).

3. Where curb cuts are established, the 25-foot sight triangle leg lengths shall be measured from the point where the back of curb (or edge of pavement, if there is no curb) of the curb cut/driveway meets the right-of-way line (see “B” in the illustration).
4. No primary or accessory structures, fences or signs can be placed or to project into the vision clearance triangle.
5. Ground cover, annuals, perennials, and similar vegetation may be planted within the vision clearance triangle when the plants do not exceed three (3) feet in height at maturity.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

CHAPTER 7. SUBDIVISION REGULATIONS

Contents:

Article 7.1. General Provisions

Article 7.1. General Provisions

Contents:

Sec. 7.1.1. Applicability

Sec. 7.1.2. Establishment of Controls

Sec. 7.1.3. Procedures

Sec. 7.1.4. Principles & Standards of Design

Sec. 7.1.5. Owner's Association Governing Documents and Covenant Standards

Sec. 7.1.6. Monument & Marker Standards

Sec. 7.1.7. Reservation of Public Land

Sec. 7.1.1. Applicability

- A. This Chapter applies to all development within the City or within the City's extraterritorial jurisdiction.
- B. No construction shall commence until all required plans, profiles and specifications have been reviewed and approved by the City or other governmental approving agency.
- C. No City services or utilities shall be extended or furnished to any development until the applicant has installed the improvements specified in this UDO or guaranteed their installation as provided for in this UDO.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 7.1.2. Establishment of Controls

No plat or replat of a subdivision of land or amendment, including plans or specifications and amendments thereto, or corrections to an already recorded plat (certificate of corrections, or certificate of error) located within the jurisdiction of the Commission shall be recorded until it shall have been approved in accordance with this UDO, and such approval shall have been entered in writing on the plat by the Director, or its designee. All corrections or amendments to an approved plat shall be cited as an addendum to and on said approved plat, including the copy in the Office of the Recorder of Hamilton County, Indiana. Subdivisions shall be permitted in all Zoning Districts.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 7.1.3. Procedures

[Sec. 10.2.20. Subdivision \(Platting\)](#) shall apply to all Primary and Secondary Plats.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 7.1.4 Principles & Standards of Design

A. Construction Standards

The [Standard Construction Specifications and Details for the City of Fishers](#) ("Construction Standards"), as published and maintained by the City's Engineering Department, are hereby incorporated, as may be amended time to time, by cross-reference into this UDO. All [Subdivisions](#) shall conform to the Construction Standards, which include but are not limited to, standards for:

1. Earthwork for Utilities
2. Paving and Surfacing
3. Erosion Control
4. Principles and Standards of Roadway Design
5. Minimum Standards of [Improvement](#)
6. Stormwater Management
7. Curbs and Gutters
8. Storm Sewers

B. Phasing

1. If not otherwise set out as part of the preliminary subdivision plat, [lots](#) may be recorded and [public improvements](#) may be constructed in phases.
2. A phasing plan shall be submitted in accordance with [Sec. 10.2.20. Subdivision \(Platting\)](#).

C. Subdivision Control Waivers

The Commission or [Plat Committee](#), in its discretion, may grant a waiver from standards required by this [CHAPTER 8. SUBDIVISION & PLANNED UNIT DEVELOPMENT DESIGN STANDARDS](#). Such waiver shall be provided in the minutes of the Commission or Plat Committee, together with the reasoning for the departure from the required standards. As a condition of granting a waiver, a commitment may be made in accordance with [Sec. 10.2.6. Commitments](#). A waiver may only be granted upon finding that:

1. The proposed [development](#) represents an innovative [use](#) of [site](#) design, site access design, site circulation design, building orientation, building materials, and [landscaping](#) which will enhance the use or value of area properties.
2. The proposed development will not be injurious to the public health, safety, morals or general welfare of the community.
3. The strict application of the Ordinance standard will result in a development of the real estate which is undesirable when compared with the proposed development.
4. The proposed development is consistent with and compatible with other development located in the area.
5. The proposed development is consistent with the intent and purpose of the [Comprehensive Plan](#).

D. Easement Certificate

Each [Secondary Plat](#) submitted for approval shall include easement certificates, where appropriate and in accordance with [Sec. 10.2.11. Easements](#).

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 7.1.5 Owner's Association Governing Documents and Covenant Standards

A. Applicability

This section specifies covenants required between the City and the owners' association (such association or entity being referred to herein as an "HOA" that is established independent of a residential development's Declaration of Covenants instrument. Any residential development that has common area or any other area, facility, or amenity that is to be owned and/or maintained by the owner's association shall record a legally binding covenant instrument applicable to each property owner and parcel within the development.

B. Form

When a covenant is required pursuant to this Chapter of the UDO, the developer shall render the covenant instrument in a form acceptable to the City Attorney.

C. Covenants, Conditions, & Restrictions

Covenants that are required pursuant to this Chapter of the UDO shall not be included in the development's Declaration of Covenants instrument. Covenant instruments shall be independently recorded documents only modifiable or terminable as provided by the UDO.

D. Recording of Covenant Instruments

The covenant language required by this section shall be recorded in the County Recorder's office. Every recorded plat, Development Plan and Declaration of Covenants instrument shall bear a cross-reference to the covenant instrument. The deed for every parcel, condominium unit or other applicable division of ownership shall bear a cross-reference to the covenant instrument.

E. Modification or Termination of Covenants

When a covenant has been established pursuant to this Chapter of the UDO, the owner or owners' association may file an amendment petition with the Commission for a modification or termination of the covenants as provided in [IC 36-7-4: 700 Series](#).

F. Maintenance Responsibility

Responsibility for the maintenance of all amenities, facilities, common areas and other non-dedicated development features rests with the owners' association and/or the property owners jointly, at no expense or burden to the City. All the amenities, facilities, common areas and non-dedicated development features shall be maintained in a structurally sound, aesthetically pleasing, and safe manner; and in pursuit of maintaining the design, function and aesthetic established by the developer and committed to the City on the day of approval. The developer shall establish an escrow account to provide for the maintenance of all common areas, facilities, and amenities. When responsibility for the maintenance of the amenities, facilities, and common areas is turned over to an owners' association, the escrow account shall be transferred to the owners' association.

G. Failure to Maintain

In the event the owners' association does not fulfill its responsibility to maintain the development, it is in violation of the UDO, and the owners' association and/or the property owners are subject to [CHAPTER 11. ENFORCEMENT & PENALTIES](#) to remedy the violation.

H. Storm Sewer and Drainage Standards

To ensure the maintenance of a properly designed and installed drainage system, the following language shall be required as a provision of the covenants:

1. Drainage swales (ditches) along dedicated roadways and within the right-of-way or dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written permission of the Engineering Director. Property owners must maintain these swales as sodded grassways, or other surface approved by the Engineering Director.
2. Water from roofs or parking areas shall be contained on the property long enough so that drainage swales or ditches shall not be damaged by such water. Directly piping water to a drainage swale is prohibited unless approved by the Engineering Director.
3. Driveways may be constructed over these swales or ditches only when appropriately sized culverts or other approved structures have been permitted by the Engineering Director. Culverts must be protected, especially at the ends, by head walls or metal end sections, and, if damaged enough to retard the water flow, must be replaced.

I. Water Service Standards

Should private wells be allowed, the covenants shall reflect that private wells are to be installed and that the City is not now or in the future obligated to provide, furnish or have any liability for fire protection that could have been provided by the public water supply.

J. Covenant Language on the Plat for Landscaping

When trees and/or shrubs are provided by the developer, the covenants shall include the following statements:

1. The owner or person in control of the dominant real estate adjacent to the area between the street and the sidewalk and/or right-of-way easement line on which any tree or shrub is planted pursuant to the above, shall be responsible for the maintenance of the tree or shrub, and its removal, if such removal is necessary.
2. If after notice from the City, the owner or person in control fails to maintain or remove a dead tree or shrub or any dead or dangerous limbs or branches thereon, the City may remove said shrub or limbs and collect the costs thereof from the owner or person in control.
3. The City and all public utilities retain their ownership and right to access the area between the paved street and the right-of-way line of the dominant owner and they retain the right to reasonably remove any tree or shrub impeding necessary work to be performed by the City and/or all public utilities, or other properly authorized users.
4. Neither the City nor any public utility or other properly authorized user of the City's property located between the street and the sidewalk and/or right-of-way line shall be liable to the owner of the dominant real estate for any damages done to trees or shrubs, located upon City property between the paved street and the sidewalk and/or right-of-way or easement line as a result of actions of the City or any public utility or other authorized user or their agents or employees in the performance of their duties.

K. General

1. **Foundation and Control.** When an owners' association is used for the purposes of maintaining/controlling facilities within the development the Declaration of Covenants shall state:
 - a. When the owners' association must be constituted;
 - b. When the management and control of the owners' association must be turned over to the persons buying the lots or units. Control of the owners' association shall not be turned over before 80% of the lots or units are sold.
 - c. When ownership of the amenities, facilities, and common areas shall be turned over to the owners' association. Amenities and common areas shall not be turned over to the owners' association before 80% of the lots or units are sold.
2. **Assessments.** Whenever a Declaration of Covenants calls for the collection of an annual assessment from the members of the owners' association, the Declaration shall specify:
 - a. When the assessment begins;
 - b. Which amenities, facilities, and common areas are to be maintained using the assessment funds; and
 - c. When and how the Board of Directors of the owners' association is to be constituted.

L. Amending Governing Documents

In addition to the requirements above and the requirements of Indiana Homeowners Association Act found at [Ind. Code 32-25.5-3 et seq.](#), which provisions are applicable to all HOAs established after June 30, 2009, the Governing Documents of any HOA (consisting of its Declaration of Covenants, Conditions and Restrictions or similarly titled document, its Articles of Incorporation and its Code of By-Laws) concerning the operation and maintenance of such open space, common area and amenities, as well as the Governing Documents of the HOA themselves, must contain provisions allowing the owners of parcels of property subject to such Governing Documents to amend such Governing Documents at any time, and from time to time, and subject to the following:

1. Each "member" of an HOA for this purpose shall be an owner, in fee simple, of each parcel of property subject to such governing documents concerning such parcel, and each such "member" shall be entitled to one vote per parcel of property so owned. However, if the HOA is for a condominium community and if the members have Percentage Interests that are not equal but rather are based on the size of the condominium units as set forth in the Governing Document, those Percentage Interests shall be applicable to determine the voting rights of the members
2. When the development company is drafting the Governing Documents, special attention should be directed to the percentage of members that will constitute a quorum for purposes of conducting the annual meeting or a special meeting of the members. Factors to be considered should include the total number of parcels planned and type of community planned. The goal is to set a realistic quorum so that the HOA can conduct business at its meetings including matters such as the election of Directors and the approval of the annual budget.
3. In accordance with [Ind. Code 32-25.5-3-9](#), the governing documents of the HOA must contain a provision allowing the members to amend the governing documents at any time, from time to time and such amendment may not require the consent of more than seventy-five percent (75%) of the members. However, pursuant to this Ordinance, any amendment to the Governing Documents specifically involving changes relating to "HOA Operations" and rental restrictions may not require the consent of the members owning more than fifty percent (50%) of the total number of parcels. For purposes of this provision, "HOA Operations" pertain to matters that are normally addressed in an HOA's By-Laws such as the quorum for membership meetings, the date of the annual meeting, the number and eligibility of Directors, the length of terms for the Directors, the Officers, the use of proxies, notices required to be given for annual meetings and special meetings of the members, and the location of membership meetings. "HOA Operations" is not intended to apply to provisions such as use restrictions or architectural requirements.
4. Until a certificate of occupancy has been issued on the last parcel of property subject to the Governing Documents of the HOA owned by the declarant pursuant to the original Governing Documents, amendments to the Governing Documents as provided in 3. above shall require the consent of the declarant, regardless of the approval of the other members. In accordance with [Ind. Code 32-25.5-3-9](#), the declarant's consent to an amendment may be required if:
 - a. the declarant owns one (1) or more units within the subdivision; and
 - b. not more than seven (7) years have passed since the original governing documents were first recorded
5. HOAs are encouraged to allow member participation through virtual meetings and electronic voting.
(Ord. [071618F](#), 07/19/2018; Ord. [022023C](#), 05/15/2023)

Effective on: 5/15/2023

Sec. 7.1.6 Monument & Marker Standards

A. General Standards

1. All monument and marker improvements shall be installed per Indiana Administrative Code, [865 IAC1-12-18](#), and the City's Construction Standards (see also [Sec. 7.1.4. Principles & Standards of Design](#)) for the City.
2. Permanent reference monuments shall be placed so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.
3. Required monuments and markers shall include a surveyor's cap as required by Indiana law, and at a minimum shall include a substantial plastic or metal cap permanently affixed showing the registered professional surveyor's surname and professional license number or firm/agency identification number.
4. Upon completion of the development, as-built drawings shall be submitted showing where monuments and markers were placed. This shall be accompanied by an affidavit by the surveyor, registered in the State of Indiana, attesting to the accuracy of installed monuments and markers and certifying that the monuments and markers are still accurately in place, and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.
5. Monuments which are damaged or altered shall be reset by the party responsible for damage/alteration. If a responsible party cannot be readily determined, then the active Developer shall bear the costs of having the monument(s) reset.

B. Monument Standard

Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of 4" x 4"x30", set vertically in place. They shall be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross.

C. Monument Locations

1. At the intersection of lines forming angles in the boundary of the Subdivision.
2. At least two (2) monuments shall be set on each side of a straight section of a Street and on Lot corners near each end of the Street.
3. At least two (2) monuments shall be set on any straight line over 400 feet in length and on Lot corners near each end of the line.
4. Any location a bearing changes.

D. Marker Standard

Markers shall consist of iron pipes or steel bars at least 30 inches long, and not less than 5/8 inch in diameter.

E. Marker Locations

Marker shall be set on boundaries not covered by required monument locations, including:

1. At the beginning and ending of all curves along street lot lines.
2. At all points where lot lines intersect curves, either front or rear.
3. At all angles in lot lines.
4. At all other lot corners not established by a monument.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 7.1.7 Reservation of Public Land

Where a proposed park, greenway, open space, school, fire station or other public use shown in the Comprehensive Plan is in whole or in part in a development, the Council may require the reservation of the land for future use.

(Ord. [071618F](#), 07/19/2018)

CHAPTER 8. SUBDIVISION & PLANNED UNIT DEVELOPMENT DESIGN STANDARDS

Contents:

Article 8.1. General Provisions

Article 8.2. Block, Lot & Access Standards

Article 8.3. Street & Alley Standards

Article 8.4. Open Space, Common Area & Amenity Standards

Article 8.5. Other Design Standards

Article 8.1. General Provisions

Contents:

Sec. 8.1.1. Purpose & Intent

Sec. 8.1.2. Applicability

Sec. 8.1.3. Minor Subdivision

Sec. 8.1.1. Purpose & Intent

- A. It is the purpose of this Chapter to establish and define the design standards which shall be required by the City prior to the approval of any subdivision. Additionally, these standards shall apply to Planned Unit Developments unless through the PUD District Ordinance a design standard is waived or altered.
- B. In planning for the development of areas, the owner and developer shall make every effort to assure that the proposed project will be comply with the Comprehensive Plan. The proposed development shall be consistent with the present Zoning District classification and uses, and shall result in a project that is harmonious with the use of the land upon which it is planned as well as the overall community of the City.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 8.1.2. Applicability

This Chapter applies to all development within the City or within the City's extraterritorial jurisdiction, unless specific standards in this Chapter express otherwise.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 8.1.3. Minor Subdivision

- A. A proposed subdivision of land that includes one (1) or more of the following shall not be permitted to utilize the Minor Subdivision Plat process:
1. Division of land requires new public streets or the extension of public streets,
 2. Divisions of land that results in six (6) lots or greater,
 3. Divisions of land that require one (1) or more waivers from the applicable design standards not exempted below, or
 4. Divisions of land that require, or elect to have, common area or features that will be in common ownership; excluding shared driveway or shared entrances.
- B. Minor subdivisions shall be exempt from Article 8.4. Open Space, Common Area & Amenity Standards.

- C. Minor subdivisions shall be exempt from Section [Sec. 8.5.6.B. Sanitary Sewer Standards](#) when:
1. The [parent tract](#) of land is located more than 300 feet away from available municipal sanitary sewer, and
 2. The division of land results in lots one (1) acre or more in [lot area](#).
- D. The Minor Subdivision Plat process may only be utilized one (1) time by a parent tract of land.
- E. Minor Subdivisions that do not include new public rights-of-way and complies with all other applicable design standards may be approved by the Plat Committee without a public hearing in accordance with [Sec. 10.2.20.E. Approval Decision](#).

(Ord. [081919D](#), 08/19/2019; Ord. [011822](#), 02/21/2022)

Effective on: 8/19/2019

Article 8.2. Block, Lot & Access Standards

Contents:

Sec. 8.2.1. Purpose & Intent

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Sec. 8.2.1. Purpose & Intent

- A. The purpose and intent of the maximum [block](#) perimeter and connectivity regulations is to provide a well-connected [street network](#).
- B. Large blocks with limited connectivity discourage walking, contribute to street congestion and add driving distance that can negatively impact emergency services. New streets should be designed to consider future [development](#).
- C. The access regulations are intended to provide safe and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion. Pedestrian, bike and vehicular access should be safe, direct and convenient.
- D. Design adjustments to the requirements of this Article may be appropriate where topographic changes are too steep, where existing buildings, streams or other natural or man-made [obstructions](#) or [site layout](#) of developed properties prevent cross access, where adjoining uses are incompatible or where strict compliance with this UDO would pose a safety hazard.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 8.2.2. Anti-Monotony

A. General

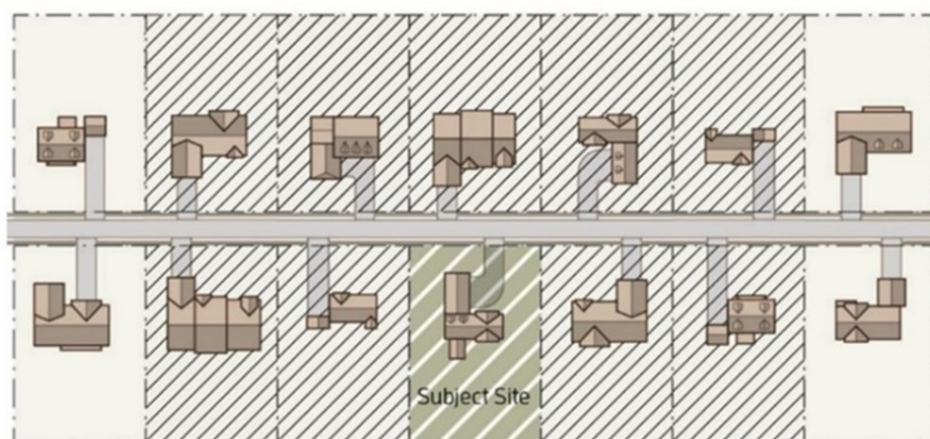
Residential [developments](#) shall have diversity in streetscapes, [lot](#) sizes, and/or development features to avoid monotonous streetscapes and to encourage stimulating living environments.

B. Avoiding Monotonous Blocks

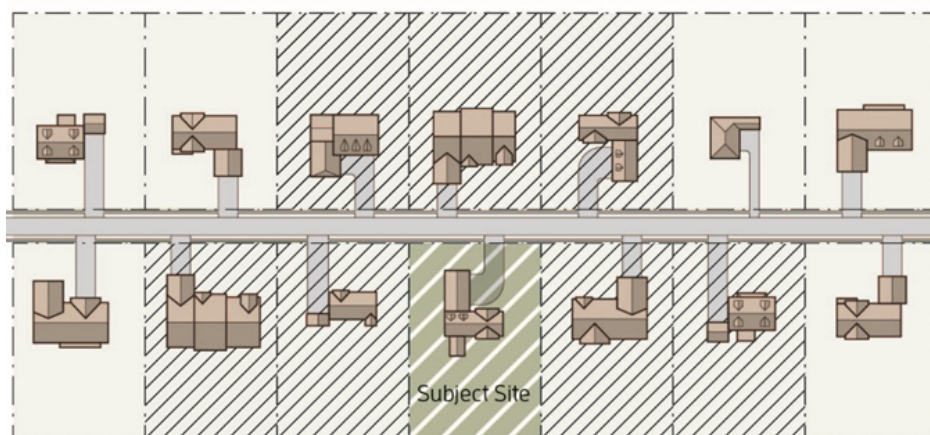
1. **Break in Continuity.** A common area at least 50 feet wide used for a park, hard surface pedestrian path, or subdivision amenity shall constitute a break in continuity.
2. **Intersections.**
 - a. The right-of-way or easement for a public or private street shall constitute a break in contiguous lots.
 - b. Where a street or cul-de-sac terminates in a T-intersection with a cross-street, a common area equal in width to the right-of-way of the terminating street or cul-de-sac and at least as deep as the lots abutting either side of the common area established opposite to and aligned with the terminating street shall constitute a break in contiguous lots.

C. Anti-monotony Code

1. **Front Façade.** Front façades on the same building model shall not be duplicated for two (2) lots on each side of the subject lot on the same side of the street. Also, front façades for the same building model may not be duplicated for five (5) lots across the street from the subject lot. No more than 30% of the same front façade shall be built on the same street.



2. **Exterior Siding Color.** At the time the Certificate of Occupancy is issued, no two (2) adjacent dwellings shall have the same exterior siding color.
3. **Masonry Package.** Masonry packages may not be duplicated for two (2) lots on each side of the subject lot on the same side of the street. Also, masonry packages may not be duplicated for three (3) houses across the street from the subject lot.



D. Other

The developer may propose alternative methods of accomplishing the City's anti-monotony goals. Such methods may be approved at the Director on a case-by-case basis.

(Ord. 071618F, 07/19/2018; Ord. 121922E, 01/17/2023)

Effective on: 1/17/2023

Sec. 8.2.3. Blocks

A. Defined

An area of land bounded by streets or by a combination of streets and public land, rights-of-way, common area, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

B. Cross-Reference

See [Article 8.3. Street & Alley Standards](#) for additional standards.

C. Block Perimeters

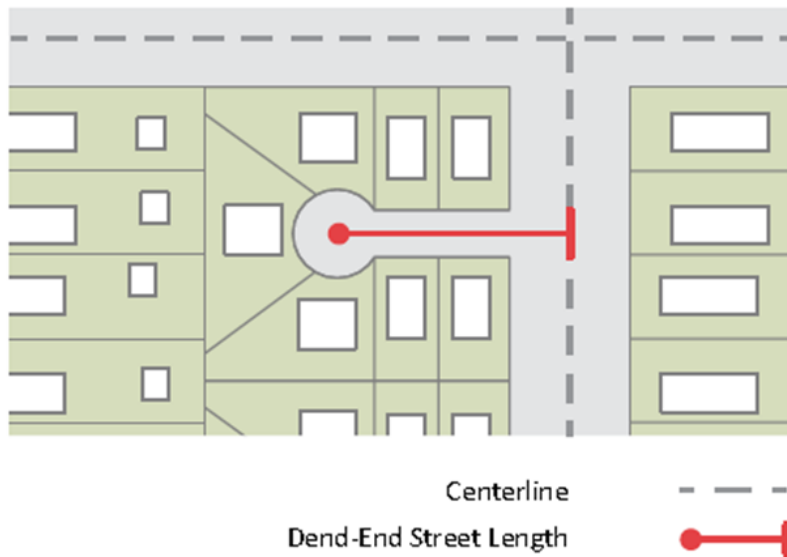
1. **Applicability.** The block perimeter standards apply to Primary Plats, Secondary Plats, Development Plans, and Planned Unit Developments.

2. Block Standards.

- Residential blocks must have sufficient width to provide for two (2) tiers of residential lots, except where single tier lots are required to accommodate single-loaded streets where across from a public park or open space, to allow for unusual topographical conditions or when adjacent to the outer perimeter of a subdivision.
- The following table establishes the maximum block perimeter and maximum length for a dead-end street by zoning district. If a single block contains more than one (1) zoning district, the most restrictive requirement applies.

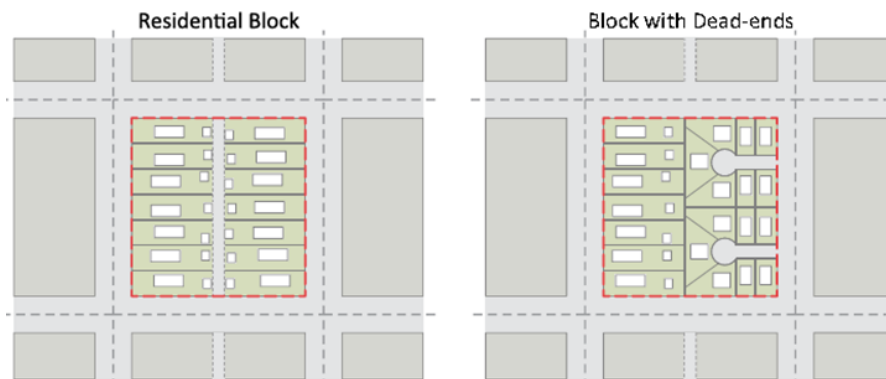
8.2.3	Block Perimeter (max)	Dead-End Street (max)
By Average Lot Size on Block		
40,000 + sq. ft.	8,000 ft.	1,000 ft.
20,000 - 39,999 sq. ft.	6,000 ft.	750 ft.
10,000 – 19,999 sq. ft.	5,000 ft.	600 ft.
6,000 – 9,999 sq. ft.	4,500 ft.	550 ft.
up to 5,999 sq. ft.	3,000 ft.	400 ft.
By Zoning District		
PUD	4,000 ft.	600 ft.
AG, OS	n/a	n/a

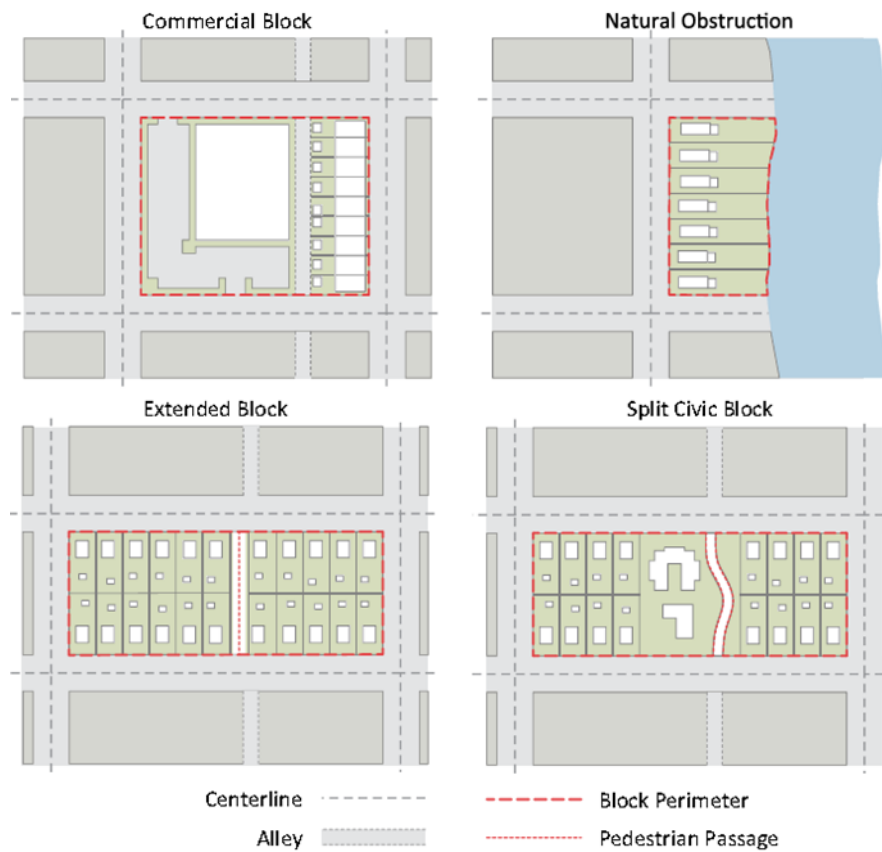
Measurement of Dead-End Street Length



D. Block Measurement

1. A block is bounded by a public right-of-way (not including an alley). All public rights-of-way proposed as part of a development must be improved with a street.
2. Block perimeter is measured along the edge of the property adjoining the public right-of-way, except for the measurement of dead-end streets, which are measured from intersecting centerlines.
3. The maximum block perimeter may be extended by 50% where the block includes a pedestrian passage or an alley that connects the two (2) streets on opposing block faces. Pedestrian passages and alleys may connect dead-end streets.
4. A block may be broken by a recreational building, common area building or open lot, provided the lot is at least 50 feet wide and deep and provides a pedestrian passage that directly connects the two (2) streets on each block face.
5. Within a single phase of any subdivision or development, individual block perimeters may exceed the maximum by 25% if the average of all block perimeters in the phase does not exceed the maximum.
6. The Engineering Director may waive the block perimeter requirements or maximum dead-end street length when steep slopes greater than 25%, freeways, waterways, railroad lines, preexisting development, tree conservation areas, stream buffers, open space or easements would make the provision of a complete block infeasible or does not advance the intent of this Article.
7. Where the block pattern is interrupted by public parkland, including greenways, that is open and accessible to the public, pedestrian access points shall be provided with a minimum spacing equal to 1/2 of the maximum block perimeter.





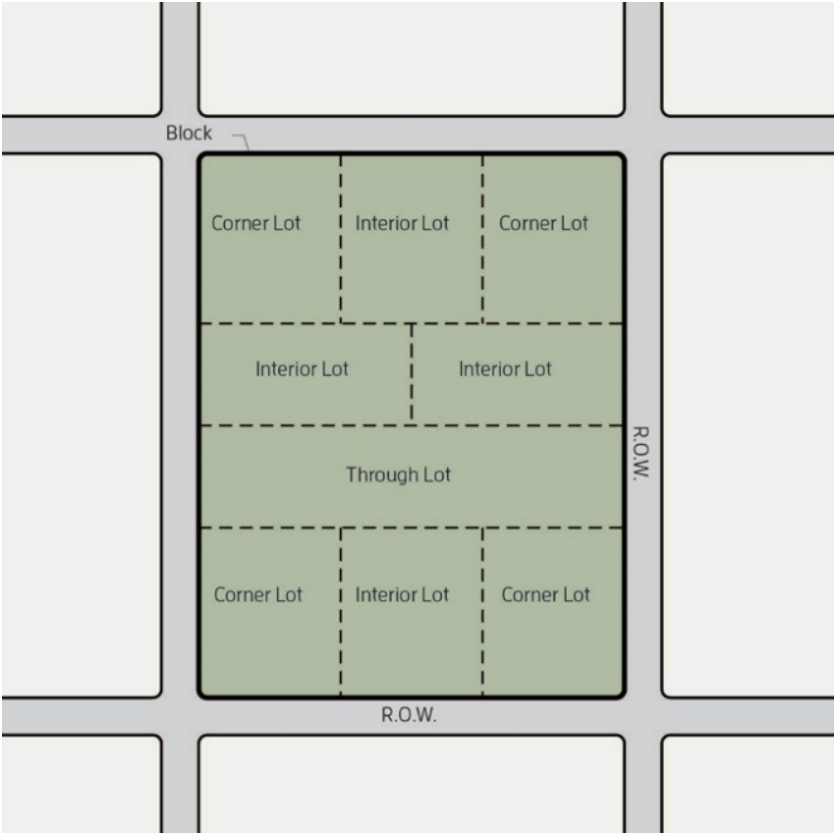
(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 8.2.4. Lots

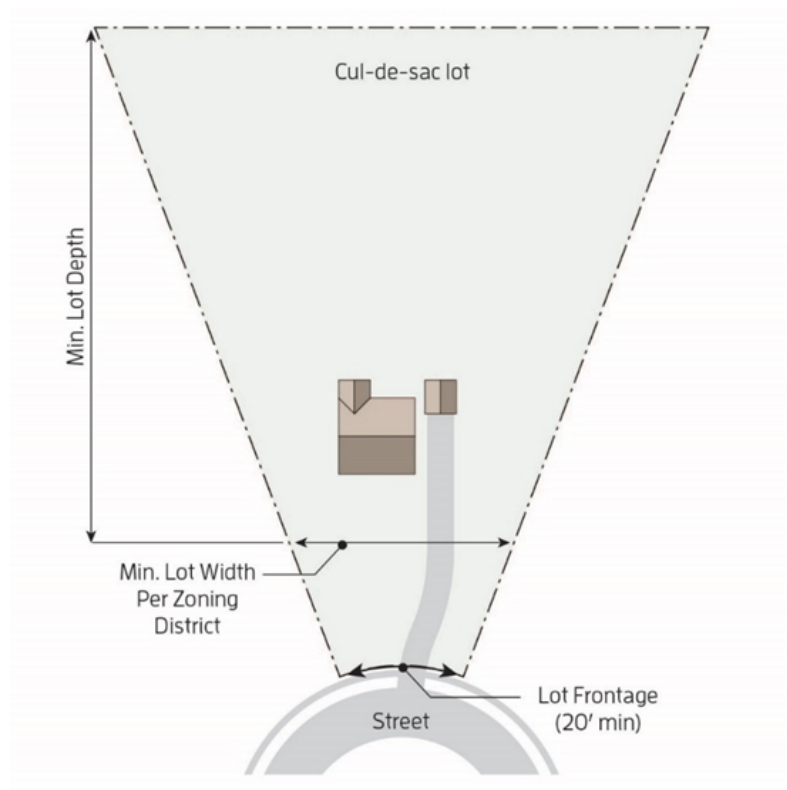
A. Lot Types

The shape, location and orientation of all lots within a [development](#) shall be appropriate for the uses proposed and be in accordance with each [Zoning District](#), except as allowed by this Chapter. Different lot types are illustrated below.



B. Lot Standards

1. **Cross-Reference.** Additional lot standards are provided in [Article 6.8. Lot Standards](#).
2. **Interior Street Frontage.** Lots shall be laid out to only have frontage on interior streets or access roads. Individual lots shall only be laid out to have access on [public streets](#) if expressly permitted to do so by the Transportation Plan and the Engineering Director.
3. **Side Lot Lines.** Lots shall have side lot lines that are within 15° of a right angle to the street and [right-of-way](#). Non-residential side lot lines shall extend in a straight line from the street right-of-way for at least 20% of the property's depth.
4. **Corner Lots.** Residential corner lots shall be at least 25% larger than the minimum lot area indicated in each zoning district. The minimum lot width for corner lots shall be the sum of the minimum lot width for the zoning district and the minimum front setback for the zoning district (e.g. On a local street in the zoning district, the minimum corner lot width equals 50 feet plus 25 feet, or 75 feet.). The measurement shall be made along the front building line parallel to the shorter lot frontage.
5. **Through Lots.** Residential lots shall not be designed as through lots, even if the lot does not establish access to the second frontage.
6. **Special Lots.** Any [structure](#), including [fences](#) and walls, established on a lot [abutting](#) or incorporating a [watercourse](#), drainageway, channel or stream shall be set back at least 15 feet from the top of bank.
7. **Property Line Corners.**
 - a. At the [intersection](#) of street rights-of-way and [alley](#) easements, alley easement corners shall be rounded by arcs of at least 20 feet in radius or by chords of such arcs.
 - b. At the intersection of street rights-of-way, the property line corners shall be rounded by an arc with a radius of not less than 25 feet, or by the chord of such an arc.
8. **Cohesive Design.** Commercial [mixed-use developments](#) (i.e. shopping centers, commercial areas, and office [parks](#)) shall be designed holistically as a single project. All areas of the [parent tract](#) shall be shown as they are intended to be laid out and used.
9. **Lot Width and Depth for Cul-de-Sac Lots.** Any lot abutting a cul-de-sac in a residential district where the minimum lot width is not met at the front property line must comply with the following:
 1. The minimum lot frontage on a street shall be 20 feet (this dimension may be reduced upon approval of the Engineering Director if a common driveway or other form of shared access is provided); and
 2. The minimum [lot depth](#) specified shall not be measured from the front property line, but instead measured beginning from the nearest point to front property line where the lot width equals the minimum lot width for the district.



C. Lot Arrangement

1. Lots shall be subdivided to permit conformance with all laws and ordinances and to ensure for orderly growth, proper building arrangement and to provide City services and facilities.
2. Lot dimensions shall provide for the potential development of all lots and future compliance with the development standards of this UDO.

D. Exceptions

Exceptions to the minimum lot size, lot width and lot depth requirements fall under the variance process and must be approved in accordance with [Sec. 10.2.24. Variance](#).

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 8.2.5. Subdivision Access

A. Open Access

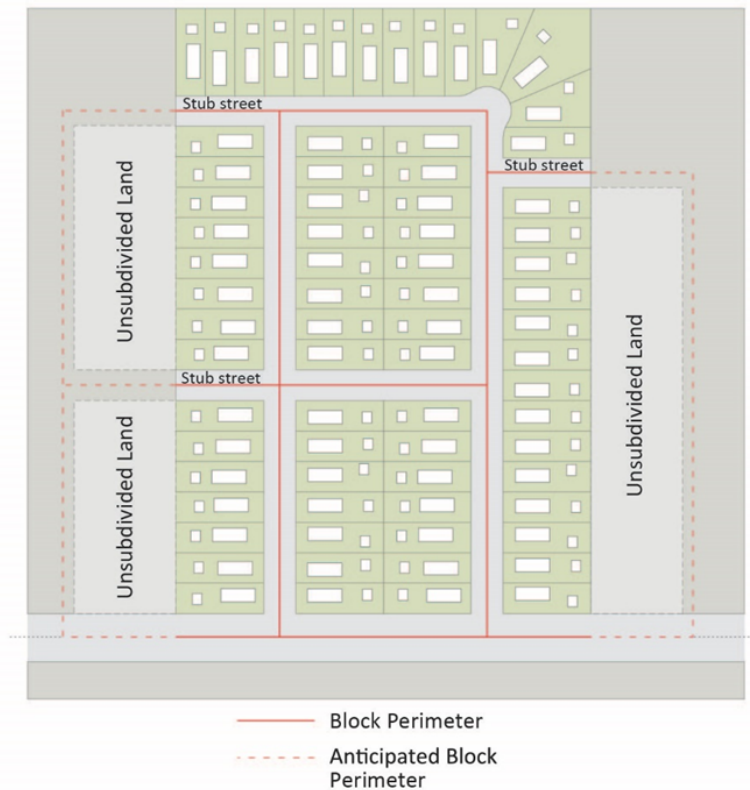
Subdivisions must provide roadways that remain permanently open to the public and provide community-wide access as part of an overall connected street network.

B. Entrance Design

All subdivisions that consist of 51 residential lots or more shall have a boulevard entrance with a landscaped median extending at least 40 feet from the perimeter street's right-of-way at the primary entrance to the subdivision.

C. Stub Streets

1. Regard shall be given to the [Transportation Plan](#) and [Comprehensive Plan](#).



2. Where a development abuts undeveloped land, stub streets within the new subdivision shall be extended to the meet maximum block perimeter standards.
3. The stub street must be extended to the boundary of the abutting property to the point where the connection to the anticipated street is expected.
4. When stubbing to the edge of the site, the stub street will be built to the furthest point possible. Any right-of-way and slope easements needed to build the connection shall be dedicated.
5. Where a stub street is provided, a barricade using a design approved by the Engineering Director must be constructed at the end of the stub street, pending the extension of the street into abutting property. A sign noting the future street extension shall be posted at the developer's expense.
6. The requirement for a stub street may be waived when:
 - a. Steep slopes more than 25%; freeways, waterways, railroad lines, preexisting development, tree conservation areas, stream buffers, open space or easements would make the provision of a stub street infeasible; or
 - b. A high intensity non-residential use is located adjacent to a proposed residential subdivision.

D. **Frontage Roads**

1. **General.**

- a. A frontage road shall be required for any development with lots that front on a primary or secondary arterial street, unless a lot is the only property within 400 feet that has primary access from the primary or secondary arterial.
- b. Frontage roads shall be built to the dimensional standards of the Transportation Plan, and shall be constructed as required by the City's Construction Standards (see [*Sec. 7.1.4. Principles & Standards of Design*](#)) for the City of Fishers.

2. **Maximum Ingress/Egress.** A frontage road shall have:

- a. A maximum of one (1) ingress/egress point if it serves five (5) or fewer properties or is less than 300 feet in length.
- b. A maximum of two (2) ingress/ egress points onto a public street for developments of 15 or fewer acres.
- c. A maximum of three (3) ingress/egress points onto a public street for developments of more than 15 acres.
- d. All other frontage roads shall have a maximum of two (2) ingress/egress points onto a public street.

3. **Separation of Ingress/Egress per Public Street.**

- a. A maximum of one (1) ingress/egress point permitted in shall be permitted per primary arterial.
- b. A maximum of two (2) ingress/egress points shall be permitted per secondary arterial, and shall be separated by a minimum of:
 - i. 175 feet from any intersection;
 - ii. 175 feet from any ingress/egress point on the same side of the street; or
 - iii. 175 feet from any offset ingress/egress point on the opposite side of the street. Separation is not required for ingress/egress points that are aligned with each other across the street.

4. **Traffic Lanes.** Frontage roads shall be designed to accommodate two-way traffic.

5. **Location.** Frontage roads shall be designed to generally run parallel to the minor or major arterial.

6. **Right-of-way or Easement.** Frontage roads shall have a minimum of 40 feet of right-of-way or permanent public access easement.

7. **Pavement Width.** Frontage roads shall be paved to a minimum width of 22 feet for two-way traffic, or 28 feet if parking is permitted on one (1) side.

8. **Sidewalks.** Frontage roads shall have sidewalks integrated into the overall pedestrian network of the development. In areas with residential uses, the sidewalk shall be located on the side of the street with that use.

9. **Separation.** Frontage roads shall be separated (right-of-way/easement to right-of-way) from minor arterials by a minimum of 30 feet and from major arterials by a minimum of 40 feet. Distance shall be measured to existing rights-of-way or proposed rights-of-way as indicated in the Transportation Plan, whichever is greater.

E. Cross-Access

All lots abutting a street other than a local street shall comply with the following standards:

1. Internal vehicular circulation areas shall be designed and installed to allow for cross-access between abutting lots;
2. When an abutting owner refuses in writing to allow construction of the internal vehicular circulation on their property, a stub for future cross-access shall be provided as close as possible to the common property line.
3. Bicycle and pedestrian connections shall be provided between abutting properties except where there is an environmental constraint.
4. The content of the cross-access agreement required by the City shall be as follows:
 - a. Pedestrian and vehicular access is granted to all properties on the same block face as the property owner establishing the cross-access. The owner may make the pedestrian and vehicular access contingent upon the granting of reciprocal vehicular and pedestrian access right to the granting property.
 - b. The location of the pedestrian and vehicular access is described as overall sidewalks, vehicular drives and driveways located on the property or by specific metes and bounds.
 - c. The beneficiaries granted access rights include the lot owners, their successors, heirs and assigns, tenants and subtenants, lenders, employees, customers and guests.
 - d. Each lot owner is required to maintain the vehicular and pedestrian access areas on their lot. Maintenance shall include, but not be limited to repair, fixing potholes and repaving.
 - e. All lot owners and tenants granted vehicular and pedestrian access rights shall have the right together with their contractors, but not obligation, to maintain all portions of pedestrian vehicular and access ways. If such owners, tenants and their contractors engage in any maintenance activities off their lot, they shall have the right of contribution to be reimbursed for their actual expenses from the defaulting lot owner provided at least 30 days prior written notice is first provided to the defaulting lot owner.
 - f. A temporary construction easement is granted to the abutting lot owner and tenants and their contractors to enter the adjoining property to install connecting internal drives not previously extended to the property line.
 - g. A notice provision explaining how and where to send written notice.
 - h. A provision prohibiting the erection of fences walls and other obstructions that prevent the use of vehicular and pedestrian access ways.
 - i. A statement that the cross-access agreement runs with the land and it is binding on all successors, heirs and assigns and that the easement rights are perpetual.
 - j. A statement that the cross-access agreement is a requirement of the Fishers City Code and that it may not be terminated or amended in violation of the Fishers City Code and such amendments and terminations are to be treated as invalid from the outset.
 - k. The cross-access agreement shall be signed by all of owners of the granting property.
 - l. All lenders and their trustees with interests in the granting property shall subordinate their security interests to the cross-access agreement.

5. Cross-access agreements shall comply with Sec. 10.2.11. Easements.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 8.2.6. Pedestrian Network

A. Bike & Pedestrian Plan

1. Pedestrian improvements shall be installed and integrated into new and existing developments in accordance with the Thoroughfare Plan.

B. Residential Minimum Internal Pedestrian Network

- a. The minimum width shall be as indicated in the Thoroughfare Plan. This standard shall also be required with new Planned Unit Developments.
- b. Sidewalks a minimum of five (5) feet in width shall be provided along local roads (public and private).
- c. Pedestrian improvements shall be located at least one-half (0.5) foot inside the right-of-way to be dedicated to the City.
- d. Pedestrian improvements shall be spaced a minimum of four (4) feet away from the back of curb to provide a planting strip and to provide pedestrian separation from vehicles.

C. Residential Minimum External Pedestrian Network

- a. All developments shall participate in the establishment or improvement of the pedestrian network along its perimeter per the Thoroughfare Plan.
- b. The determination of whether the perimeter network shall be constructed of concrete or asphalt shall be made by the Engineering Department.
- c. Generally, all required sidewalks or paths shall be located inside the right-of-way of the perimeter street, but if utility poles, trees, or other physical characteristics dissuades or complicates installation, then the sidewalk or path may encroach into the perimeter landscaping (common area) within a pedestrian access easement.
- d. All sidewalks shall be spaced away from the back of the curb or edge of pavement to provide a planting strip and provide pedestrian separation from vehicles. The distance required as determined by the Engineering Department.
- e. The planting strip shall be planted with grass or other ground cover approved by the Department of Planning & Zoning.
- f. Where it is identified in the Thoroughfare Plan, other material, methods of construction, and development standards may be warranted, as determined by the Director of Engineering.
- g. When a proposed development lies between or adjacent to existing developments which have been provided with sidewalks, connecting sidewalks or pathways (which are extensions of the existing sidewalks) shall be constructed.
- h. Connector sidewalks shall be provided from the sidewalk or path adjacent to the street to the front entrance of all non-residential structures. Where the sidewalk intersects driving lanes or parking aisles within the parking area, then crosswalks and ramps shall be installed in accordance with ADA requirements and to reinforce pedestrian safety.
- i. A sidewalk or path shall be installed at the end of a cul-de-sac to provide pedestrian access to other cul-de-sacs, streets or common area. See also Sec. 8.3.2.B.9. Cul-de-sac Design.

D. Pedestrian Crosswalk

1. **Requirement.** Where any type of street intersects an arterial or collector street, marked crosswalks shall be installed. The Engineering Department may require that crosswalks be marked at other intersections or pedestrian crossing points on an as-needed basis.
2. **Mid-block.** In the design of blocks longer than eight hundred 800 feet, the Engineering Department may require the installation of a marked, mid-block pedestrian crosswalk at a location that is useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination; or to assure a safe pedestrian network.
3. **Curb Bump-out.** If the street accommodates on-street parking, curb bump-outs shall be installed on each side of the street on which parking is allowed where the crosswalk is installed.
4. **Ramp Design.** ADA-compliant ramps shall be installed at each end of the crosswalk.

E. Non-residential Standards

1. The minimum sidewalk width shall be as indicated in the [Thoroughfare Plan](#).
2. Walkways shall connect building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds and ground cover.
3. Sidewalks adjacent to buildings shall be a minimum of 10 feet wide, with a four (4) foot wide (adjacent) planting bed. The length of the sidewalk shall be provided along the full length of the building elevation(s), with the following exceptions:
 - a. A six (6) foot wide sidewalk, with four (4) foot wide (adjacent) planting bed shall be permitted along all side and rear elevations featuring a customer entrance and/or [abutting public parking areas](#);
 - b. Office buildings and individual standalone retail structures shall be permitted six (6) foot wide sidewalks, with four (4) foot wide (adjacent) planting beds, along all front elevations, and side and rear elevations featuring a customer entrance and/or [abutting public parking areas](#);
 1. Under no circumstance shall any sidewalk have less than six (6) feet of clear space;
 2. Sidewalks may also be required along any side or rear elevation deemed appropriate by TAC or the Director; and
 3. Internal crosswalks may be required when deemed appropriate by the Engineering Director.
4. All internal pedestrian walkways shall be distinguished from driving surfaces using durable, low maintenance surface materials such as integrated colored concrete pavers, scored or textured concrete and bricks to enhance pedestrian safety and comfort.
5. All planting beds adjacent to [foundation](#) sidewalks shall contain the foundation plantings as required by [Sec. 6.7.6. Lot & Foundation Plantings](#).

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [011822](#), 02/21/2022; Ord. [121922E](#), 01/17/2023)

Effective on: 1/17/2023

Article 8.3. Street & Alley Standards

Contents:

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Sec. 8.3.3. On-Street Parking

Sec. 8.3.4. Street Lights

Sec. 8.3.5. Street Names & Numberings

Sec. 8.3.6. Street Signs

Sec. 8.3.7. Alleys

Sec. 8.3.1. General Provisions

This Article describes guidelines for the construction of new [streets](#) throughout the City. All [developments](#) shall allocate adequate areas for new streets in conformity with the City's Construction Standards (see [Sec. 7.1.4. Principles & Standards of Design](#)) for the City of Fishers, the UDO, the [Comprehensive Plan](#), and the [Transportation Plan](#).

A. Applicability

1. When a primary plat, secondary plat or site plan proposes the construction of a new street the requirements of this UDO apply.
2. Sidewalks, streets and street trees must be installed and constructed in accordance with this UDO.
3. Existing streets may remain serving existing development in their current configuration; however, they shall not be extended or substantially rebuilt except in conformance with this UDO.
4. The Engineering Director shall determine the minimum right-of-way width based on the Transportation Plan.
5. When the term right-of-way is used in this Article, it shall also apply to private street.

B. Dedication of Right-of-way

In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions established in the Thoroughfare Plan, the developer shall dedicate additional width along either one (1) or both sides of such streets sufficient to meet the requirements of the Thoroughfare Plan. If the developer only controls the property on one (1) side of the street, then sufficient right-of-way shall be dedicated, bringing the half right-of-way up to the dimensions required in the Thoroughfare Plan.

1. **Passing Blister.** Where a passing blister is required and inadequate right-of-way exists to install the passing blister, then the developer shall make a good faith effort to acquire property sufficient for the installation of the passing blister. If the property owner on which the passing blister is to be installed refuses to sell the property, then the developer shall provide the department copies of all surveys, appraisals, written offers made by the developer to the property owner, and correspondence from the property owner.
2. **Acceleration and Deceleration Lanes.** Where an acceleration lane and/ or deceleration lane is required and the developer does not control street frontage adequate to install the lane, then the developer shall make a good faith effort to acquire property sufficient for the installation of the acceleration lane and/or deceleration lane. If the property owner on which the acceleration lane and/or a deceleration lane is to be installed refuses to sell the property, then the developer shall provide the department copies of all surveys, appraisals, written offers made by the developer to the property owner, and correspondence from the property owner.
3. **Eminent Domain.** Whereas the installation of passing blisters, acceleration lanes, and deceleration lanes is vital to the health, safety, and welfare of the motoring public, the City may begin eminent domain proceedings in accordance with [IC 32-24: Eminent Domain](#) for the acquisition of public right-of-way sufficient for the installation of the passing blister, acceleration lane, and/or deceleration lane upon receipt of the aforementioned documentation illustrating the developer's failure to acquire the needed property. Upon completion of the eminent domain proceedings, the developer shall reimburse the City in an amount equal to the price paid by the City for the public right-of-way and associated professional and legal expenses, anything that had to be condemned within the acquired right-of-way, and anything for which the City paid the price of relocation.

C. Construction and Installation Standards for Streets

All street improvements, private or public, are to be designed, constructed and installed per the City's Construction Standards [Sec. 7.1.4. Principles & Standards of Design](#).

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 8.3.2. Streets

A. Private Streets

1. **Cross Reference.** See [Sec. 10.2.11. Easements](#) for additional information.
2. **Standards.** Private streets are permitted, but must conform to all [street](#) construction and [right-of-way](#) standards within the UDO.
3. **Private Street Easements.** Private streets shall be established in access easements that may be placed in common area, rather than rights-of-way.
4. When a private street easement appears on a [plat](#), the following language shall be printed on the plat, “The [Owner/Developer](#) expressly [covenants](#) and warrants on behalf of itself and all future owners of [lots](#) within this [subdivision](#) that because the streets are private that all maintenance, repairs and replacement now and forever shall be undertaken at the expense of the lot owners in accordance with the terms and conditions set forth in the owners’ association bylaws and articles. No governmental entity has any duty or responsibility to maintain, repair or replace any private street.” Un-platted private street easements shall have this language included on the recorded private street easement instrument.

B. Street Design Principles

1. **General Layout.** Street and [alley](#) layout shall provide access to all lots and [parcels](#) of land within a [development](#), and where streets cross other streets, a jog in the road shall not be created (sudden change of direction). Streets shall be laid out on the [parent tract](#):
 - a. In a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.
 - b. In an orderly and logical manner.
 - c. With concern for connectivity to adjacent parcels.
 - d. With concern for pedestrian and vehicular safety.
 - e. To provide reasonably direct access to the primary circulation system.
2. **Regard to Contour and Natural Features.** Streets shall be adjusted to the contour of the land to produce useable lots and streets of reasonable gradient. Consideration shall be given to every natural feature, such as existing stands of trees, streams and creeks, or similar conditions which, if preserved, will add attractiveness and value to the community.
3. **Connectivity.** All development shall comply with [Sec. 8.2.5.C. Stub Streets](#).
4. **Planting Strip.** As determined by the [Thoroughfare Plan](#), all development shall install a 4-foot minimum planting strip between the edge of the curb and sidewalk for proper [landscaping](#) and utility installation.
5. **Street Trees.** See [Sec. 6.7.7. Street Trees](#) for the number of street trees required as part of the street design standards.
6. **Gated Entrances.** Gated development entrances shall have apparatus installed such that emergency vehicles (i.e. fire, police and ambulance) can quickly and easily gain access to the development. Further, the gates shall be sized to allow the largest fire truck in service in the City to easily turn into the development.
7. **Intersections.**
 - a. All intersections of two (2) streets shall be within 15° of right angles to each other as measured at the street center lines.
 - b. Intersections of more than two (2) streets at one (1) point shall not be permitted.
 - c. Wherever possible, new [local streets](#) shall be aligned with existing local streets. Local street intersection with center line offsets of less than 125 feet shall not be permitted.
 - d. From any given project, no more than one (1) street shall be allowed to access an adjacent arterial per quarter mile of frontage that the project has on the arterial.
 - e. No two (2) intersections of streets of a lesser classification than arterial shall intersect an arterial within 500 feet of each other. No two arterials shall intersect another arterial within 1,320 feet (¼ mile) of each other.

8. **Street Width.** Street widths shall be determined by the Director of Engineering based on the Transportation Plan. Street width shall be determined by measuring from back of curb to back of curb. Half-width streets are not permitted.
9. **Block Length.** The maximum block length shall comply with [Sec. 8.2.3. Blocks](#), or the Transportation Plan, whichever is less.
10. **Cul-de-sac Design.** Where a street does not extend beyond the boundary of the development and its continuation is not required, as set forth herein, for access to adjoining property, its terminus shall comply with the following:
 - a. **Maximum Length:** See [Sec. 8.2.3.C. Block Perimeters](#).
 - b. **Terminus:** Shall be nearly circular in shape with a minimum right-of-way diameter in accordance with [Sec. 7.1.4. Principles & Standards of Design](#).
 - c. **Drainage Easement:** A drainage easement shall be provided near the center perimeter of the cul-de-sac, opposite of the cul-de-sac entrance. The easement shall be a minimum of 20 feet wide and 10 feet long. The easement and right-of-way adjacent to the easement shall be free of above ground improvements (e.g., driveways, mailboxes, fire hydrants, landscaping and utilities), unless otherwise approved by the Public Works Department, to accommodate snow removal maintenance of the cul-de-sac.
 - d. **Pedestrian Connectivity:** A pathway or sidewalk shall be provided to connect one cul-de-sac to an adjacent cul-de-sac, street, or common area to provide a direct connection between pedestrian destinations. Such connection shall be constructed in accordance with [Sec. 8.2.6. Pedestrian Network](#) and located within an easement or common area. Example connections provided in the following image:



11. **Temporary Dead-end Streets.** A temporarily dead-end stub street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for a turnaround shall be provided for any such temporary dead-ended street that extends 150 feet or more in length. Temporary turnaround easements shall be established as specified in [Sec. 10.2.11. Easements](#). Temporary turnarounds shall be constructed in accordance with [Sec. 7.1.4. Principles & Standards of Design](#).
12. **Eyebrows.** Eyebrow street designs shall be constructed in accordance with the [Sec. 7.1.4. Principles & Standards of Design](#).

Sec. 8.3.3. On-Street Parking

A. Applicability

All commercial and industrial developments (or commercial areas within a mixed-use development) that install streets that will be dedicated to the City and that have on-street parking shall meet the standards within this Section.

B. On-street Parking Requirements

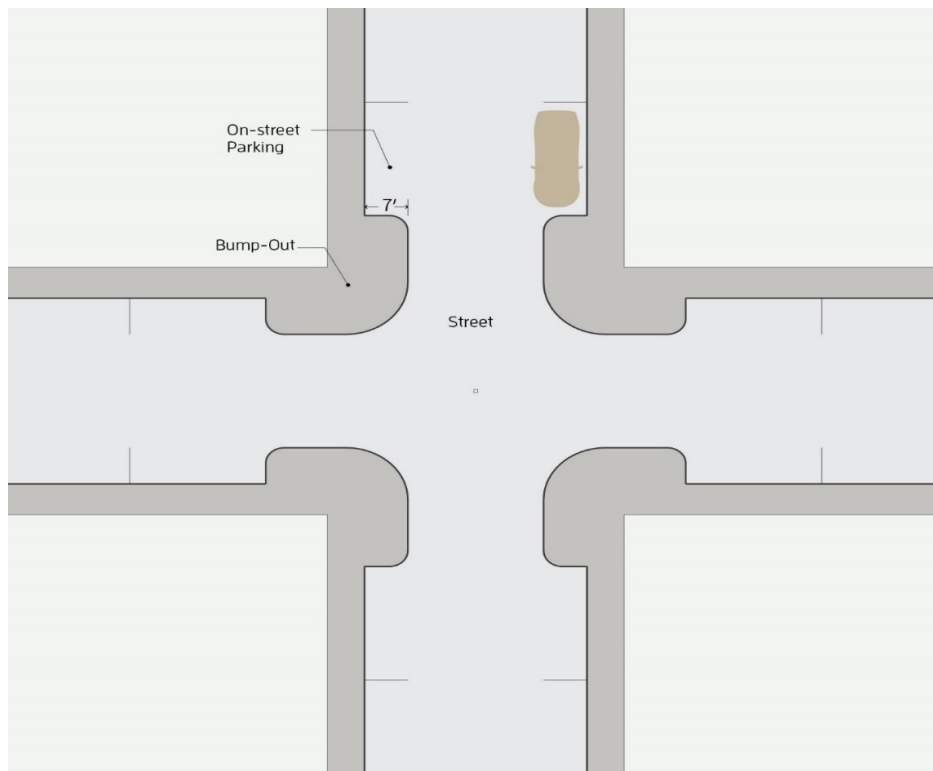
On-street parking shall be installed in accordance with the Standard Construction Specifications and Details for the City of Fishers.

1. **Striping.** Where the City deems it necessary, on-street parking installed in commercial or industrial areas shall be striped to indicate each parking space. Stripes shall be perpendicular to the curb, at least seven (7) feet long, and spaced at least 24 feet apart. No parking spaces shall be placed within 30 feet of an intersection, or greater if indicated by a policy of the Director of Engineering.
2. **No Parking Signs.** If parking is only allowed on one side, then the other side of the street shall have a sign at least every 150 feet noting that parking is not permitted.
3. **In Residential Areas.**
 - a. Location: On-street guest parking spaces shall be located in close proximity to the front doors of the dwellings they serve.
 - b. Design: On-street guest parking spaces shall be designed as: i). Parallel parking on an internal street of appropriate width, as designated in the Transportation Plan; or ii). Vertical spaces that back onto internal drives, as designated in the Transportation Plan.
 - c. Pedestrian Access: On-street guest parking spaces shall have continuous access to the front doors of the units they serve via a minimum five-foot (5') wide concrete sidewalk.
 - d. Single-family Attached: Single-family attached dwellings that provide pedestrian access from the dwellings' driveways to the front doors do not have to meet the on-street guest parking requirement.
 - e. Multi-family: Multi-family developments that provide pedestrian access from a standard parking lot to the front doors do not have to meet the on-street guest parking requirement.

C. Bump-outs

The City may require that bump-outs be installed in residential developments that utilize a curvilinear street pattern at intersections on streets classified as collectors in the Transportation Plan, or as traffic-calming devices on local streets that are 1,000 feet or greater in length. This provision shall apply to all internal public or private streets. Bump outs shall comply with the following:

1. **Bump-out Configuration.**
 - a. Projection from Curb Line: The bump-out shall be designed to extend seven (7) feet from the curb line.
 - b. Curb: The bump-out shall use a straight curb to define its edge to provide a better barrier to protect pedestrians and to calm traffic approaching the intersection.
 - c. Use of Bump-outs: A bump-out shall be used on each side of the road that has on-street parking.



2. Prioritizing of Intersections.

The following criteria shall be used to determine which intersections within the development shall utilize bump-outs.

- a. Intersections where four (4) or more legs are through streets shall be the priority sites for bump-outs.
- b. Intersections where three (3) legs are through streets shall be the second priority sites for bump-outs.
- c. Intersections where two (2) legs are through streets shall be the third priority.
- d. Each of the above listed types of intersection shall also be ranked based on their proximity to a development entrance. The closer an intersection is to an entrance, the higher priority that intersection shall be given.
- e. Each of the above listed types of intersection shall also be ranked based on the vehicular traffic volume. The higher the expected vehicular traffic volume, the higher priority each intersection shall be given.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 8.3.4. Street Lights

A. General

The developer shall install, or cause to be installed, street lights at all intersections, development entrances, and along internal streets as required by the provisions of this Section. TAC may require street lights at other locations if, in its discretion, it determines additional street lights are necessary to provide vehicular or pedestrian safety.

B. Street Lights at Intersections

The developer shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development, consistent with the City's Construction Standards (see also [Sec. 7.1.4. Principles & Standards of Design](#)) and the public utility providing such lighting. The Engineering Department may reduce the number of intersections required to have street lighting. Under no circumstances shall the major intersections (involving collectors or arterials) within the development be waived.

C. Lighting Between Intersections

Unless street lights have been provided at the lesser of either mid-block or every 15 lots, a dusk-to-dawn light that operates on a photo cell shall be installed on each home site. This lighting shall be provided by the builder and maintained by the owner in perpetuity. Residences with an established front yard greater than 25 feet deep shall install a yard light; residences with an established front yard depth of 25 feet or less may install a carriage light on the street elevation of the building in lieu of the yard light. Yard lights shall not exceed seven (7) feet in height. Carriage lights shall be mounted no higher than eight (8) feet above ground level.

D. Street Lights at Entrances

If the City has established a street light standard along the street on which the entrance is located, the developer shall install the same lighting standard. If there is no established street light standard along the corridor, the developer shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety. Luminaires shall be shielded to prevent glare on residential properties.

E. Optional Conservation Residential Development

In accordance with [Sec. 8.4.7. Conservation Development](#), street lights are not required between intersection, however, a dusk-to-dawn light that operates on a photo cell shall be installed on each home site. See [Sec. 8.3.4.C. Lighting Between Intersections](#) for additional standards.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 8.3.5. Street Names & Numberings

A. Proposed Street Name

The developer shall propose a unique name for each street within the development at the time of initial application.

B. Approval Authority

While street names proposed by developer shall generally be considered favorably, the approval of street names is hereby delegated to the Engineering Department. Existing street names and numbers that have been approved by the City shall not be changed without the approval of the City.

C. Authority to Rename a Proposed Street

The Engineering Department shall have the authority to require a new name to be chosen for any street. If an acceptable name is not proposed by the developer, the Engineering Department shall rename the street prior to final approval.

D. Street Name Standards

Within the jurisdiction of this ordinance the following standards shall apply:

1. Streets which are extensions or continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Commission, shall bear the names of such existing streets.
2. The root street name (e.g. Maple) shall not duplicate or be phonetically like any existing street name.
3. Deviations in suffix names (e.g. Street, Court, or Avenue) shall not constitute a unique name (for example, if Maple Street existed, the name Maple Court would not be permissible).
4. Streets within a large development or separate developments within close geographic proximity shall be authorized to use the same root name if deemed not to be confusing or unsafe by the Plan Commission.
5. Street address numbers for all lots shall be assigned by the Engineering Department.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 8.3.6. Street Signs

A. General

The City requires that each street within a residential development have the minimum number of signs necessary to (i) provide a safe environment for drivers and pedestrians, and (ii) provide an information system so visitor can efficiently find a certain street, address, or development amenity.

B. Sign Specifications

Street signs shall comply with the current edition of the [Indiana Manual on Uniform Traffic Control Devices](#) and the City's Construction Standards (see [Sec. 7.1.4. Principles & Standards of Design](#)). Street names signs shall be lighted or reflectorized.

C. Developer's Responsibilities

1. **Public Safety Related Street Signs.** The developer shall be required to install the public safety related street signs prior to any street being opened to public. These signs shall be installed in the location and to the height determined by the Engineering Director.
2. **Street Name Signs.** The developer shall install a minimum of one (1) street name sign at each street intersection within the subdivision and on all perimeter intersections. At least one (1) sign shall be set on the most conspicuous corner of the intersections, at a point approximately six (6) inches from the sidewalk intersection (on the street side). Where a development has elected to use decorative street signs that do not meet the City's street sign standards, the owners' association shall be responsible for replacing such signs with signs of the same design when the signs installed by the developer are lost or damaged.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 8.3.7. Alleys

A. General

Alleys shall be used sparingly within the residential areas of subdivisions with a modern design (i.e. open space and optional conservation residential development). All sites and uses served by alleys shall also have lot frontage on a public right-of-way.

B. Use of Alleys

In order to address the various development scenarios in which an alley might be utilized, the maximum number of dwelling units a given alley may serve shall be determined by the Engineering Director in consultation with the members of TAC.

C. Easement

Alleys shall be privately owned and maintained and shall be centered within an easement a minimum of 22 feet wide.

D. Pavement Width

Alley pavement widths shall be consistent with the [Transportation Plan](#).

E. Alley Intersections

Intersections of alley and public street centerlines shall not exceed 20° from perpendicular.

F. Minimum Corner Radius

The minimum alley easement corner radius at an alley intersection with a public street shall be six (6) feet.

G. Alley Construction

All alleys are to be constructed per the City's Construction Standards (see [Sec. 7.1.4. Principles & Standards of Design](#)).

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Article 8.4. Open Space, Common Area & Amenity Standards

Contents:

Sec. 8.4.1. Purpose & Intent

Sec. 8.4.2. Applicability

Sec. 8.4.3. Ownership, Operation, & Maintenance

Sec. 8.4.4. Common Area

Sec. 8.4.5. Perimeter Landscaping

Sec. 8.4.6. Open Space

Sec. 8.4.7. Conservation Development

Sec. 8.4.1. Purpose & Intent

A. The purpose and intent of this Article is to ensure green space is preserved for aesthetic quality in the community, while providing standards that will create a strong identity and character by creating greenspace and amenities that will ensure that open space is activated for recreation and used in a purposeful manner.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 8.4.2. Applicability

A. The standards of this Article shall apply to all types of development and redevelopment, including but not limited to: Planned Unit Developed District Ordinances, Development Plans, Primary and Secondary Plats.

B. The ownership and future maintenance of any required open space, common areas, development amenities shall be documented and recorded prior to the issuance of any permits for land development.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 8.4.3. Ownership, Operation, & Maintenance

All open space, common area and amenities shall be owned, operated and maintained in perpetuity by an owners' association, condominium association, or similar legal entity. A legally binding mechanism shall be utilized to collect fees to maintain all common areas as originally designed and committed to the City.

Sec. 8.4.4. Common Area

A. General

1. **Requirement:** All development is required to have perimeter landscaping, open space, conservation, detention, retention, and/or drainage ways. All development that electively has amenities in the development or on private streets shall designate those areas as common area on the Primary Plat, Improvement Location Permit or within the Planned Unit Development District Ordinance.
2. **Ownership.** Where a common area is designated in a PUD, a plat or a Development Plan, an owner's association shall be formed and shall be required to provide necessary maintenance to said common areas.
3. **Site Features that Do Not Qualify as Open Space.** The following features shall not count toward the minimum open space requirement, unless they are preserved as conservation areas (see [Sec. 8.4.7.B. Conservation Development](#)).
 - a. Floodway: The floodway of any stream, regulated drain, river or other water body;
 - b. 100-year Floodplain: The 100-year floodplain of any stream, regulated drain, river or other water body;
 - c. Steep Slopes: Any area with slopes exceeding a 25% grade;
 - d. Wetlands: Any wetlands on the development site.

B. Design Elements

1. **Fences and Walls.** A fence or wall that was installed as a part of the original development shall be maintained (e.g. finish, materials, location, and size). New fences or walls installed in common areas shall be of uniform design throughout the common area and shall be substantially like fences or walls established elsewhere within the development.
2. **Landscaping.**
 - a. Street Trees: One (1) canopy tree per 40' of common area shall be required. Street trees shall not be planted in the planting strip, and shall be planted 10 feet from the sidewalk.
 - b. Replacement: Any plant materials that were installed within a common area shall not be removed unless diseased or dead. If landscaping is removed, an equivalent type of replacement plant shall be installed. Additionally, a minimum of 2/3 of the diameter at breast height (DBH) of the removed landscaping shall be installed, whether as one plant or multiple plants.
 - c. Additional Landscaping: Additional landscaping may be added to common areas if it is outside an easement that prevents that activity.

Sec. 8.4.5. Perimeter Landscaping

A. General Requirements

1. Perimeter plantings shall be a roughly equal mix of deciduous canopy trees and evergreen trees.
2. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet.
3. To the greatest extent possible, trees and shrubs shall be planted in clusters or irregular patterns; and combined with, mounds, walls and fences.
4. All required plant materials shall be located on the street-side of any fence or wall established within the perimeter landscaping area.
5. Additional landscaping may be added to common areas if it is outside any easement that prevents that activity.

B. Number of Trees and Shrubs Required

8.4.5 Number of Trees and Shrubs Required		
	Development Trees per 100'	Shrubs per 100'
Where no fence or wall is located	9	33
Along a solid decorative fence	4	16
Along a masonry wall	6	16
Non-residential development	6	16

C. Location

1. The perimeter landscaping standards shall apply to any portion of a residential development that abuts an expressway, interstate highway, primary arterial, secondary arterial, or collector.
2. The perimeter landscaping area shall be at least 20 feet in depth and of the length of the frontage. Perimeter landscaping area, including walls and fences, and berms shall be in a common area or landscape easement controlled by the developer or owners' association.

D. Perimeter Walls and Fences

1. Perimeter walls and fences shall be constructed of masonry, stone, wood, metal, or synthetic material that simulate natural materials.
2. The minimum height of a perimeter wall or fence shall be 36 inches, and the maximum height shall be 72 inches.
3. Perimeter walls and fences installed by the developer or owners' association shall be consistent in size, shape, character, and design.

E. Berms

1. Berms shall be a minimum of three (3) feet in height.
2. Maximum side slope shall not exceed a 3:1 ratio.
3. Engineering design requirements shall determine the setback of the berm from the right-of-way line of a public or private street and from the property line of an adjoining property

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 8.4.6. Open Space

A. Connectivity

1. Open space shall have direct access to the citywide bicycle and pedestrian circulation system. Sidewalks, paths, or other pedestrian ways will provide connections between buildings, land use areas and adjacent to existing and new development, connecting residential, office and retail/commercial areas.
2. Sidewalks, paths, or other pedestrian ways shall provide access to all open space, common area and amenities within a development and adjacent developments. Shared access easements (see also [Sec. 10.2.11. Easements](#)) shall be required when open space access crosses another parcel.

B. Conservation Area

Any conservation area required below that is not specifically excluded per [Sec. 8.4.4.A.2. Site Features that Do Not Qualify as Open Space](#) shall count towards the secondary open space requirements in [Sec. 8.4.6.D.1.b. Secondary Open Space](#). In addition, Conservation developments may receive the incentives listed in [Sec. 8.4.7. Conservation Development](#).

1. Intensity Bonus.

- a. Land proposed to be developed that has environmental features shall conserve those features. In conjunction with that conservation, the developer may be granted development incentives to offset the requirement (see [Sec. 8.4.7. Conservation Development](#)).
- b. Environmental features that qualify as conservation areas do not include watercourses, floodways, natural lake surfaces, or slopes over 25% grade. These features are considered undevelopable and no intensity bonus shall be granted for these areas.

2. Determination of Environmental Features.

The following are deemed qualifying environmental features:

- a. Woodland area;
- b. Natural lake filtration strips;
- c. Riparian corridors for a river or stream; or
- d. Wetlands.

3. Conservation of Environmental Features.

The following standards apply:

Total Site (%) with Environmental Feature	Conservation % of the Environmental Feature In Perpetuity	Structure Setback from the Environmental Feature
20% or less	100%	15'
More than 20% but less than 50%	25%	15'
50% or more	35%	15'

C. Minimum Open Space

The minimum open space required for each development shall be provided as described in the following table:

Minimum Open Space	
Zoning District and Development Type	Minimum Open Space Required
ER & R1	5%
R2 & R3	10%
R4 & R5	15%
MF & PUD	20%
Optional Conservation Residential Development	40%

D. **Open Space Allocation.** In allocating land for required open space, the following hierarchy of primary and secondary open space applies.

1. **Primary Open Space:** A minimum of 50% of the required open space must come from one (1) or more of the following requirements:

a. **Size**

1. A Regular Salutogenic Amenity shall be at least 0.3 acres.
2. A Community Salutogenic Amenity shall be at least 0.5 acres.

b. **Spacing and Amount.** Regular and Community Salutogenic Amenities shall be provided in a way that allows dwelling units to be located within a certain walking distance from the said amenities. The required number of Regular and Community amenities shall be determined based on the residential lot size and the walking distances as provided in the table below.

c. **Salutogenic Amenities Outside of the Development.** If there is an amenity located outside of the proposed development that meets the definition of a Regular or Community SA and is in a walkable distance as defined in this UDO, it may be used to satisfy the required amount and spacing of the amenities.

d. **Additional Primary Open Space.** If the minimum required open space area has been exhausted and no other Salutogenic Amenities outside of the development can help the development meet the Spacing and Amount standard in this Section, then the developer shall allocate more open space to comply with the Spacing and Amount requirement.

SPACING AND AMOUNT OF REQUIRED SALUTOGENIC AMENITIES	
Residential lot size	Required amenities
0.20-acre or smaller SFR + all multifamily	100 % of dwelling units shall be within a 3,960-foot walking distance* of any Community SA and 100 % of dwelling units shall be within a 1,320-foot walking distance** from any Regular SA.
0.21-0.3 acres	100 % of dwelling units shall be within a 3,960-foot walking distance of any Community SA and 75 % of dwelling units shall be within a 1,320-foot walking distance from any Regular SA.
0.31-0.5 acres	100 % of dwelling units shall be within a 3,960-foot walking distance of any Community SA and 50 % of dwelling units shall be within a 1,320-foot walking distance from any Regular SA.
0.51 + acres	100 % of dwelling units shall be within a 3,960-foot walking distance of any Community SA. Regular SA amenities not required.
* A 3,960-foot walking distance is 0.75 miles which is about a 15-minute walk.	
** A 1,320-foot walking distance (or 0.25 miles) is about a 5-minute walk.	

2. **Secondary Open Space:** Once the primary open space area is exhausted and developed per subsection 8.4.6.D.1 Primary Open Space, the remaining open space may be considered secondary open space and be developed as a Regular Salutogenic Amenity that is not required to meet the minimum area size. The following areas may count up to 10 % of the total minimum required open space:

- a. Third party regulated utility easements (e.g. gas or oil pipelines) that existed prior to development; and
- b. Buffer yard and street frontage landscaping area.

E. Drainage Areas

Detention and retention areas cannot be calculated towards the open space percentage requirement unless it is integrated into the overall open space design as a Salutogenic Amenity.

F. Alternative Open Space Standard

The developer may propose alternative forms of open space not specifically identified in this Article. Such proposals for alternative forms of open space shall be subject to approval per [Sec. 10.2.1. Administrative Alternate](#).

G. Payment-in-lieu

If the Director determines there is ample open space in close proximity to a new development, open space requirements can be lowered in exchange for fees to be applied to the nearby regional park; with such fees to be standard fees established by resolution, from time to time, by City Council.

(Ord. [071618F](#), 07/19/2018; Ord. [012120C](#), 02/17/2020; Ord. [021720C](#), 05/18/2020; Ord. [031725C](#), 04/21/2025)

Effective on: 4/21/2025

Sec. 8.4.7. Conservation Development

A. Purpose & Intent

The purpose and intent of this Section is to provide inventive-based [development](#) to:

1. Prevent the unnecessary cutting, removal or killing of trees in wooded areas;
2. Prevent the unnecessary cutting, removal or killing of [specimen trees](#); and
3. Promote and maintain a high level of community aesthetics through the conservation and planting of trees.
4. Protect [critical habitats](#) which contain rare, threatened or endangered species, wooded 100-year [floodplains](#), wooded wetlands and wooded slopes, wooded or partially wooded stream corridors with [drainage areas](#) greater than 50 acres, and [riparian areas](#).

B. Prerequisites

1. The [parent tract](#) must have a natural amenity covering at least 20% of the parent tract; and the most significant natural amenities on [site](#) must be preserved; or
2. If a natural amenity does not exist, then a woodlot must be created as per [Sec. 8.4.6. Open Space](#).
3. Tree Conservation Areas shall be protected within Common Areas and are not allowed to be placed on private [Lot](#) home-sites.

C. Development Standards Incentive

Conservation development offers smaller [lot](#) sizes with reduced [setbacks](#) in exchange for preserving existing trees, wooded areas, and creating larger common open space. [Developers](#) that choose to [use](#) the conservation development option must set aside 40% of the total project area as common open space. Requirements for the open space standards are provided in [Sec. 8.4.6. Open Space](#). The incentives for conservation development are:

1. Reduce [Lot width](#) by 20%
2. Reduce setbacks all by 5 feet

D. Preservation of Existing Healthy Trees

The preservation of an existing healthy tree shall constitute an in-kind credit toward meeting the landscape requirements in this UDO. The healthy tree shall be measured per arborist standard of measurement (Diameter at Breast Height (DBH)) in this preservation area. A credit shall be given per tree that contributes to and satisfies similarly the intent of [Sec. 8.4.5. Perimeter Landscaping](#) of the UDO. The following credits shall be granted for an existing tree as follows:

1. For each preserved deciduous tree over four (4) inches but less than eight (8) inches DBH a credit for three (3) deciduous trees shall be granted.
2. For each preserved deciduous tree of at least eight (8) inches but less than 12 inches DBH a credit for four (4) deciduous trees shall be granted.
3. For each preserved deciduous tree of at least 12 inches DBH a credit for five (5) deciduous trees shall be granted. The Director may grant larger credits for trees over 12 inches DBH upon request.
4. Each preserved evergreen tree of at least six (6) feet tall but less than 10 feet tall shall be granted credit for two (2) evergreen trees.
5. Each preserved evergreen tree of at least 10 feet tall shall be granted credit for three (3) evergreen trees. The Director may grant larger credits for evergreen trees over 10 feet tall upon request.

E. Preservation of the Natural Landscape

If preserving the natural landscape is chosen, prior to construction on or removal of trees from a wooded area, the following standards apply:

1. **Tree Conservation Plan:** Provide a Tree Conservation Plan outlining strategies for retaining, protecting and replanting trees on a site. The Indiana Department of Natural Resources can provide guidance. Prepare a Tree Conservation Map that outlines existing tree cover, priority protection areas, proposed grading, utility installation, and proposed protective devices.
2. **Designated Conservation Areas:** Within designated conservation areas, no trees with a DBH more than six (6) inches or evergreens eight (8) feet or more in height shall be removed from any lot unless trees are:
 - a. Within the building site pad;
 - b. Within 15 feet of the perimeter of the primary structure or accessory structures;
 - c. Between the front of the primary structure and the interior roadway of the subdivision;
 - d. Required to be removed to comply with safety requirements of any governmental agency; and/or
 - e. Required to be removed to install utility infrastructure.
3. Trees removed from designated conservation areas to facilitate the installation of utilities shall be replaced in a quantity consistent with the trees removed. For example, if a six-inch (6") caliper tree is removed, the developer shall replace such tree by installing three (3), two-inch (2") caliper trees or two (2), three-inch (3") caliper trees to total the caliper of the trees removed. If the utility installation prevents the trees from being replaced within the conservation area, the Tree Conservation Plan shall include the area in which the replacement trees are to be planted.
4. **Tree Conservation Areas:** Tree conservation areas shall be a minimum of 35 feet wide and minimum contiguous area of 10,000 square feet. Tree conservation areas shall be protected within Common Area. The Director may approve smaller areas that are determined to be of significant value.
5. **Violation of the Tree Conservation Plan.** Once the Tree Conservation Plan has been established, any person who violates the Tree Conservation Plan and improperly removes trees shall be required to reestablish such trees consistent with the trees removed. For example, if a six-inch (6") caliper tree is removed, the builder may reestablish such tree by installing either two (2) six-inch (6") caliper trees or three (3), three-inch (3") caliper trees to replace the caliper of the trees removed. Under no circumstance will a tree less than three-inches (3") in caliper be permitted as a replacement tree.

F. Construction Fencing

Prior to construction around a conservation area, the following standards apply:

1. Install highly visible construction fencing (e.g. orange barrier fencing) at least three (3) feet outside the dripline of the trees being conserved.
2. Avoid injuring roots when installing anchoring posts for fencing.
3. Signs should be posted clearly identifying the plant protection zone.
4. If a portion greater than 30% of the area within the drip line is unavoidably impacted, developer shall install a root aeration system, tree well, retaining wall or raised boardwalk as appropriate permanent protection.

G. Construction in Riparian Areas

Prior to construction in a riparian area:

1. The applicant shall work with the Department regarding conservation of riparian areas on site.
2. Establish or enhance forest buffers of at least 50 feet wide adjacent to intermittent and perennial streams.
3. Newly planted trees and shrubs shall be species native to central Indiana.
4. Trees sizes may be a minimum of one-inch (1") caliper unless otherwise approved by the Director.
5. For optimal survival and unless irrigated with an automatic system, planting should occur in the spring or autumn.
6. Coordinate with Hamilton County if the riparian area is near or along a legal regulated drain.

H. Created Woodlot

If a property does not have any environmental features or existing wooded area, a created woodlot that complies with the purpose of this Section can utilize the incentives by establishing a created woodlot protected in a Common Area based on the following:

1. A created woodlot shall replicate a quality Indiana forest using indigenous trees.
2. Created woodlots shall include a minimum of:
 - a. 1/3 minimum two-inch (2") caliper trees; and
 - b. 1/3 minimum three-inch (3") caliper trees.
3. Created woodlots shall be at least one (1) contiguous acre in area.
4. Created woodlots shall be at least one-quarter (1/4) hardwood trees. The use of evergreen trees is limited to a maximum of 15% of the total number of trees planted.
5. Ornamental or dwarf trees shall not be utilized.
6. Created woodlots have at least six (6) caliper inches per 400 square feet.
7. A licensed landscape architect or a licensed arborist shall prepare the Planting Plan and determine the indigenous species to be planted.
8. Irrigation shall be provided if prescribed and as prescribed by the landscape architect or arborist recommendation.
9. A three (3) year maintenance agreement shall be drafted with an independent arborist to ensure the health of the trees.

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019)

Effective on: 8/19/2019

Article 8.5. Other Design Standards

Contents:

Sec. 8.5.1. Erosion Control

Sec. 8.5.2. Floodplain Management

Sec. 8.5.3. Mixed Use Development

Sec. 8.5.4. Official Pond Safety Signs

Sec. 8.5.5. Storm Water

Sec. 8.5.6. Utilities

Sec. 8.5.1. Erosion Control

A. General

No changes shall be made in the contour of the land, nor shall grading, or excavating begin until an Erosion and Sedimentation Control Plan has been reviewed and approved by the Department, and erosion control measures have been established. Any development over one (1) acre shall be reviewed by Indiana Department of Environmental Management (IDEM). A copy of submittal for approval shall be held in the office of Department.

B. Off-site Sedimentation

Whenever sedimentation is caused by stripping of vegetation, regrading, or other development activities, it shall be the responsibility of the developer to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at the developer's expense.

C. Off-site Fill

Off-site fill material shall be free of environmentally hazardous materials. The developer shall ensure to the City's satisfaction that fill material hauled from an off-site location is free of environmental contaminants. The source of fill material shall be identified prior to application for a Grading Permit, Improvement Location Permit, or Subdivision Improvement Permit. If directed by the City, the developer shall have testing performed on representative samples of the fill material to determine if environmentally hazardous materials are present in the fill.

D. Other Fill

1. **Organic Material:** Detrimental amounts of organic material shall not be permitted in fills.
2. **Irreducible Material:** No rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills unless included and approved as part of a Grading Permit, Improvement Location Permit, or Subdivision Improvement Permit.
3. **Compaction:** All fills shall be compacted per the Construction Standards (see [Sec. 7.1.4. Principles & Standards of Design](#)).

E. Health, Safety and Welfare

If the City determines that any existing excavation or embankment or fill has become a hazard to life or limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the City, shall within the period specified therein repair or eliminate such excavation or embankment or fill to eliminate the hazard.

F. Disturbance of Protected Areas

If any "no disturb" areas are driven over, altered, disturbed or damaged in any way, the developer or property owner shall be subject to [CHAPTER 11. ENFORCEMENT & PENALTIES](#) of this UDO.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 8.5.2. Floodplain Management

A. Standards for All Subdivisions

1. All subdivision and development proposals shall be consistent with the need to minimize flood damage.
2. All subdivision and development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision and development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision and development proposals and other proposed development (including manufactured home parks and subdivisions), which are greater than the lesser of 50 lots or five (5) acres.
5. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
6. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
7. **Platting.** The petitioner shall delineate the 100-year flood elevation on all Secondary Plats containing lands identified to be within a SFHA prior to submitting the Secondary Plat for approval.
8. **Evacuation Plan.** All owners of manufactured home parks or subdivisions located within the Special Flood Hazard Area (SFHA) identified as Zone "A" on the FIRM maps shall develop an evacuation plan for those lots located in the SFHA and have the evacuation plan filed with and approved by the appropriate community emergency management authorities.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 8.5.3 Mixed Use Development

A. General

Any development that incorporates a mix of uses shall meet the standards in this Section.

B. Standards

1. **Minimizing On-site Conflicts.** Mixed uses shall be arranged on the site to minimize conflicts between other uses on site or off site.
2. **Buffering Adjacent Properties.** Any land use within the development that borders a lot outside of the development shall be reviewed to determine if a buffer yard is necessary. The lowest intensity zoning district shall be used to the use to the off-site property's zoning district. Using the buffer yard determination criteria in [Article 6.7. Landscaping Standards](#), determine if a buffer yard is required. If a buffer yard is required, the buffer yard shall be installed according to the specifications in [Article 6.7. Landscaping Standards](#).

(Ord. [071618F](#), 07/19/2018)

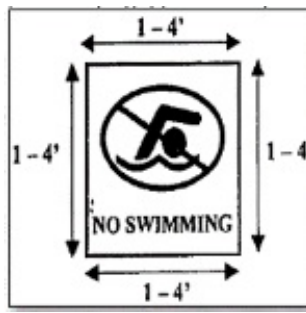
Effective on: 7/20/2018

Sec. 8.5.4. Official Pond Safety Signs

Official Pond Safety Signs are required with the development of drainage ponds. Official Pond Safety Signs shall comply with the standards of this Section, and shall be erected and maintained by the Developer or Home Owners Association (HOA).

A. Size

Minimum sign area shall be one (1) square foot, and the maximum sign area shall be four (4) square feet.



B. Distance

Signs shall be placed more than 500 feet apart, with no less than four (4) signs per pond. A sign must be placed at all public access areas to the pond.

C. Material

The signs shall be made of permanent material, either wood or metal.

D. Text

At minimum, Official Pond Safety Signs must have the words “no swimming” and a “no swimming” symbol. Other warnings can also prohibit trespassing, wading, or other recreational activities that would involve a person entering a pond.

E. Maintenance

Each Developer of the construction area and subsequent Home Owners Association or Property Owners Association shall be responsible for the cost of maintenance and replacement if their Official Pond Safety Sign(s) must be replaced for any reason.

F. Permit

Official Pond Safety Signs are exempt from a sign permit as required in the UDO.

(Ord. [071618F](#), 07/19/2018; Ord. [101121H](#), 11/15/2021)

Effective on: 11/15/2021

Sec. 8.5.5 Storm Water

A. General

All proposed subdivisions, Planned Unit Developments and Development Plans submitted to the Department for approval, under the provisions of this UDO, shall provide for the collection and management of all storm and surface water drainage.

B. Cross Reference

1. **City:** See [Ordinance No. 081505: Stormwater Management Ordinance](#), as amended, for additional storm water requirements within the City's corporate limits.
2. **County:** Contact the County Surveyor's office for additional storm water requirements outside the City's corporate limits.

C. General Drainage Considerations

The purpose of this Section is to protect the safety, health, and general welfare of the citizens of the City by requiring compliance with accepted standards and practices for storm water drainage. This section does not create any liability on the part of the City, the Commission, or any elected or appointed official or employee thereof, for any damages that result from reliance on this Section or any alterations required to conform to the engineering requirements established hereunder or any administrative decisions lawfully made thereunder. Any land alteration must be accomplished in conformity with the drainage requirements.

D. Drainage Facility Requirements

A drainage facility shall be provided to allow drainage of water runoff from all the upstream drainage area and from all areas within the proposed subdivision to a place adequate to receive such runoff. Furthermore, a drainage facility shall be:

1. Designed and constructed in accordance with the City's Construction Standards (see Sec. 7.1.4. Principles & Standards of Design).
2. Durable, easily maintained, sedimentation, and erosion retardant. It shall not endanger the public health and safety, or cause significant damage.
3. Sufficient to accept the water runoff from the site after development and the present water runoff from all areas upstream. Also, consideration shall be given to water runoff from future developments in undeveloped areas upstream which cannot reasonably be accommodated in the upstream area. The types of consideration should include, but need not be limited to, retention-detention systems, over-sizing with 15-year law cost recovery, and granting of adequate easements for future construction. The type of future development shall be in accordance with the uses indicated in the Comprehensive Plan or the use allowed by current zoning, whichever reflects the most intense use. The volume of water runoff attributable to future development which is not to be accommodated in the proposed drainage facilities, shall be determined by good engineering practice, and may assume use of retention-detention systems, except:
 - a. Parcels that are too small to effectively use a retention-detention system, and
 - b. Parcels where it is not technically and/or economically justifiable to use a retention-detention system.
4. Designed such that there will be no increase in the peak discharge runoff rate because of the proposed development unless the existing or improved downstream drainage facilities are adequate to accept:
 - a. The water runoff from the site after development;
 - b. The present water runoff from developed and undeveloped areas upstream; and
 - c. The present water runoff of downstream areas contributory to the downstream drainage facility beyond the limits of the site.
5. Designed such that the low points of entry for residential, commercial and industrial structures are two (2) feet above and free from a 100-year flood. In addition, avenues of ingress-egress shall also be free from the 100-year flood.
6. Inspected during construction by a professional engineer or land surveyor registered in the State at the expense of the developer and certified in accordance with this ordinance. This is in addition to the inspection provided by the City.

E. Restoration of Drainage

It is the responsibility of the developer to restore any stream, watercourse, swale, flood plain, or floodway that is disturbed during the period of development, and to return these areas to their original or equal condition upon completion.

F. Obstruction of Drainage

The developer shall not block, impede the flow of, alter, construct any structure, deposit any material or object, or commit any act which will affect normal or flood flow in any ditch, stream or watercourse without having obtained prior approval from the Engineering Director, Hamilton County Drainage Board, Indiana Department of Natural Resources, Indiana Department of Environmental Management, and/or Army Corps of Engineers, whichever entity has jurisdiction.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 8.5.6 Utilities

Utilities that are required as part of new development shall comply with this Section.

A. Location and Character

Utilities shall be installed underground in designated utility easements.

B. Sanitary Sewer Standards

All developments proposed to the Department for approval, under the provisions of this UDO (*i.e.* subdivisions, Planned Unit Developments, and Development Plans) shall provide for the collection of all sanitary sewage discharges by the installation of sanitary sewers. These sewers shall be tied into a public sanitary sewer system and constructed within the street rights-of-way or within other dedicated sewer and utility easements.

C. Water Service Standards

1. **General.** All projects submitted for approval under the provisions of this Chapter shall provide for the installation of a complete potable water and fire protection distribution system.
2. **Private/Semipublic Systems.** Private or semipublic water supplies and distribution systems shall not be allowed, except for single-family or single-owner systems unless they are within 300 feet of a public system supply line. Should the developer wish to install individual wells for the potable water supplies on a per lot basis, the developer shall demonstrate that:
 - a. Adequate water supplies are available by test drilling and providing a report prepared by a certified ground water hydrologist.
 - i. The scope of the testing and report shall be determined by the hydrologist and the Director of Engineering.
 - ii. The report shall specify the type of well to be constructed, the approximate depth, and expected quantity of water available for the area, consideration being given to the proposed density of the plat and/or demand placed upon the aquifer.
 - b. The cost of connecting to the public water system is prohibitive. This does not mean to show that it costs more than a private well system, but that the resulting cost would make the project unfeasible. The cost difference shall exceed 200% before the City shall make any consideration of private systems.
 - c. Further, the City shall retain the authority to waive all considerations and only approve the installation of the public water supply system.
3. **Private Wells.** Private wells and water systems shall be approved by the appropriate Health Department and be constructed in accordance with the rules, regulations, and approval of the Indiana State Board of Health.
4. **Extension of Public Water Supplies.** The extension of public water supplies and distribution systems shall be made at the sole expense of the developer. The construction plans shall be approved by the Indiana Department of Environmental Management (IDEM) and shall be on file with the Director prior to secondary plat approval.
5. **Coordination of Installation.** The developer shall be responsible for coordinating the installation of the water system with other utilities. Conflicts with prior constructed utilities and damage to them shall not be allowed, the work shall be stopped, and damages repaired before allowing the work to continue.

D. Construction Standards for Utilities

All utility improvements that are to be dedicated to the City are to be designed and installed as per the City's Construction Standards (see [Sec. 7.1.4. Principles & Standards of Design](#)).

E. Up-sizing Utilities Policy

Certain public utilities constructed by the developer relative to the development of a subdivision may also be of benefit to other owners/developers relative to their respective developments. When this is the case, the City may, upon request of the developer, enter into contractual agreements which shall provide for proportional cost recovery of the installed utility. These agreements shall be in accordance with the appropriate Indiana Statutes; and the cost for preparing all exhibits, studies, and legal services shall be borne by the developer. The required exhibits and studies shall be prepared by the Engineering Director. Further, in the case of sanitary sewers within the City's sanitary sewer service area, the City may direct the Engineering Director to prepare the plans and specifications for certain sewer lines, and the developer shall reimburse the City for those engineering costs. In all cases, the appropriate agreements shall be prepared and executed prior to the start of construction of any utility that is eligible for this construction cost credit. This Section does not apply to sanitary sewer systems constructed outside the City's sanitary sewer service area.

(Ord. [071618F](#), 07/19/2018; Ord. [111620B](#), 12/21/2020)

Effective on: 12/21/2020

CHAPTER 9. FLOODPLAIN STANDARDS

Contents:

Article 9.1. Floodplain Standards

Article 9.1. Floodplain Standards

Contents:

Sec. 9.1.1. Defined

Sec. 9.1.2. Applicability

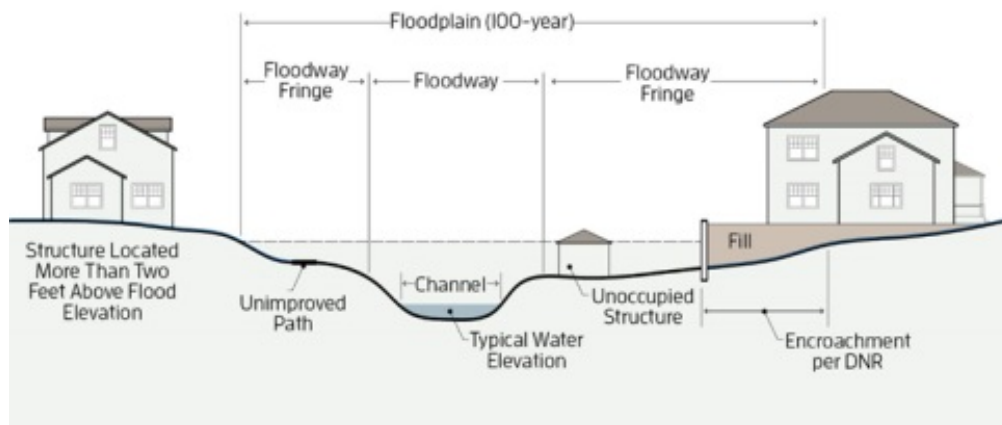
Sec. 9.1.3. General Provisions

Sec. 9.1.4. Administration

Sec. 9.1.5. Provisions for Flood Hazard Reduction

Sec. 9.1.1. Defined

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



(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 9.1.2. Applicability

This Floodplain Standards Section applies to every zoning district.

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

1. **Statutory Authorization.** In accordance with State Law the City has established the following floodplain management regulations.
2. **Findings of Fact.**
 - a. The flood hazard areas of the planning and zoning jurisdiction of the City 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, flood-proofed, or otherwise unprotected from flood damages.
3. **Purpose & Intent.** It is the purpose and intent of this Article is 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 that 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 that are involved in the accommodation of floodwaters;
 - d. Control filling, grading, dredging, and other development that 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; and
 - f. Make federally subsidized flood insurance available for structures and their contents in the planning and zoning jurisdiction of the City by fulfilling the requirements of the National Flood Insurance Program.
4. **Objectives.** The objectives of this Article are to:
 - a. Protect human life and health;
 - b. Minimize expenditure of public money for costly flood control projects;
 - c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;
 - d. Minimize prolonged business interruptions;
 - e. 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. 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; and
 - g. Ensure that potential home buyers are notified that property is in a flood area.
5. **Cross Reference:** See also [Ordinance No. 081505: Stormwater Management Ordinance](#), as amended, for storm water and additional floodplain regulations.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 9.1.3. General Provisions

A. Lands to Which this Ordinance Applies

This Section shall apply to all Special Flood Hazard Areas (SFHA) and known flood prone areas within the planning and zoning jurisdiction of the City.

B. Basis for Establishing Regulatory Flood Data

The protection standard of this Section is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources (DNR) for review and approval.

1. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of the planning and zoning jurisdiction of the City shall be as delineated on the 1% annual chance flood profiles in the Flood Insurance Study of Hamilton County, Indiana and Incorporated Areas, and the corresponding Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA), as well as any future updates, amendments, or revisions, prepared by the FEMA with the most recent date.
2. The regulatory flood elevation, floodway, and fringe limits for each of the unstudied SFHAs of the planning and zoning jurisdiction of the City delineated as an "A Zone" on the FIRM of Hamilton County, Indiana and Incorporated Areas prepared by the FEMA and dated February 19, 2003 as well as any future updates, amendments, or revisions, prepared by the FEMA with the most recent date.
3. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best available as provided by the Indiana DNR; provided the upstream drainage area from the subject site is greater than one square mile.

C. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this Article prior to the commencement of any development activities in SFHA.

D. Compliance

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this Article and other applicable regulations. No land or stream within this SFHA shall hereafter be altered without full compliance with the terms of Article and other applicable regulations.

E. Abrogation and Greater Restrictions

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

F. Discrepancy between Mapped Floodplain and Actual Ground Elevations

1. 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.
2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
3. If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations shall not be applied. The property owner should be advised to apply for a LOMA.

G. Interpretation

In the interpretation and application of Article all provisions shall be:

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

H. Warning and Disclaimer of Liability

The degree of flood protection required by the Article and the UDO 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, the Article and the UDO does not create any liability on the part of the City, the Indiana DNR, or the State, for any flood damage that results from reliance on the UDO or any administrative decision made lawfully thereunder.

I. Penalties for Floodplain Standards 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 Floodplain Standards Variance shall be deemed to be a violation of the UDO. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of CHAPTER 11. ENFORCEMENT & PENALTIES of the UDO. All violations shall be punishable by a fine not exceeding \$500.00.

1. A separate violation shall be deemed to occur for each day the violation continues to exist.
2. The City 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 connected therewith shall accrue to the person responsible.

J. Increased Cost of Compliance (ICC)

In order for buildings to qualify for a claim payment under ICC coverage as a "repetitive loss structure", the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 9.1.4. Administration

A. Designation of Administrator

The Council hereby appoints the Director of Public Works or designated representative to administer and implement the provisions of Article and is herein referred to as the "Floodplain Administrator."

B. Floodplain Development Permit Procedures

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by the City 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:

1. Application Stage.

- a. A description of the proposed development;
- b. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
- c. A legal description of the property site;
- d. A site development plan showing existing and proposed development locations and existing and proposed land grades;
- e. Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum 1988 (NAVD 88);
- f. Elevation (in NAVD 88 or NGVD) to which any nonresidential structure will be floodproofed; and
- g. Description of the extent to which any watercourse will be altered or related because of proposed development.

2. **Construction Stage.** Upon placement of the lowest floor or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, 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. When floodproofing is utilized for a structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work can 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.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 9.1.5. Provisions for Flood Hazard Reduction

A. General Standards

In all SFHAs and known flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. 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;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the flood protection grade (FPG);
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

5. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at or above the FPG or designed to prevent water from entering or accumulating within the components below the FPG during conditions of flooding. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG);
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a structure that follows the provisions of Article shall meet the requirements of "new construction" as contained in this Article; and
10. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of Article shall be undertaken only if said nonconformity is not further extended or replaced.
11. Whenever any portion of the SFHA is authorized for use, the volume of space that will be occupied by the authorized fill or structure below the base flood elevation (BFE) shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1:1) due to the fill or structure.
 - a. The excavation shall take place in the floodplain and in the same immediate property in which the authorized fill or structure is located;
 - b. Under certain circumstances, the excavation may be allowed to take place outside, but adjacent to, the floodplain provided that the excavated volume:
 - i. Shall be below the regulatory flood elevation;
 - ii. Shall be in the same immediate property in which the authorized fill or structure is located;
 - iii. Shall be graded such that the excavation shall be accessible to the regulatory floodwater;
 - iv. Shall provide for true storage of floodwater and shall not be subject to ponding when not inundated by flood water; and
 - v. Shall not be refilled.
 - c. The fill or structure shall not obstruct a drainage way leading to the floodplain;
 - d. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and
 - e. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this Section.

B. Specific Standards

In all SFHAs, the following provisions are required:

1. **All Construction.** In addition to the requirements of [Sec. 9.1.5.A. General Standards](#), all structures located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
 - a. Construction or placement of any new structure having a floor area greater than 400 square feet;
 - b. Addition or improvement made to any existing structure:
 - i. Where the cost of which equals or exceeds 50% of the value of the pre-altered structure (excluding the value of the land);
 - ii. With a previous addition or improvement constructed since the community's first floodplain ordinance.
 - c. Reconstruction or repairs made to a damaged structure where the cost 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 damaged occurred;
 - d. Installing a travel trailer or recreational vehicle on a site for more than 180 days;
 - e. 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; and
 - f. Reconstruction on repairs made to a repetitive loss structure.
2. **Residential Construction.** 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 (2) 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 [Sec. 9.1.5.B.4. Elevated Structures](#).
3. **Nonresidential Construction.** New construction or substantial improvement of any commercial, industrial, or nonresidential structure (or manufactured home) shall have the lowest floor, including basement, elevated to or above the FPG (two (2) 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 [Sec. 9.1.5.B.4. Elevated Structures](#). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:
 - a. 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 consider flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator as set forth in [Sec. 2.2.6. Floodplain Administrator](#).
 - b. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

4. Elevated Structures. New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must meet the follow minimum criteria:
- b. Provide a minimum of two (2) openings, located in a minimum of two (2) exterior walls, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
- c. The bottom of all openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
- d. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- e. Openings are to be not less than three (3) inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- f. 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); and
- g. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- h. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
- i. Where elevation requirements exceed six (6) feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

5. Structures Constructed on Fill. A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

- a. The fill shall be placed in layers no greater than one (1) foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method.
- b. The fill should extend at least 10 feet beyond the foundation of the structure before sloping below the FPG.
- c. 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 a 3:1 ratio.
- d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- e. The top of the lowest floor, including basements, shall be at or above the FPG.

6. 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 (1) of the following requirements:

- a. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site:
 - i. Outside a manufactured home park or subdivision;
 - ii. In a new manufactured home park or subdivision;
 - iii. In an expansion to an existing manufactured home park or subdivision; or
 - iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.
- b. 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. This requirement applies 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.
- c. Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in [Sec. 9.1.5.B.4. Elevated Structures](#).
- d. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- e. Recreational vehicles placed on a site shall either:
 - i. Be on site for less than 180 days; and
 - ii. 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
 - iii. Meet the requirements for “manufactured homes” as stated earlier in [Sec. 9.1.5.B.6. Standards for Manufactured Homes and Recreational Vehicles](#).

C. 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 shall 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.

D. Standards for Identified Floodways.

Located within SFHAs, established in [Sec. 9.1.3.B. Basis for Establishing Regulatory Flood Data](#), 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.

1. 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 DNR and apply for a Permit for Construction in a Floodway. Under the provisions of [IC 14-28-1](#) a Permit for Construction in a Floodway from the Indiana DNR 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. The provisions of [IC 14-28-1-26](#) allows construction of non-substantial additions/improvements to residences in a non-boundary river floodway without obtaining a Permit for Construction in a Floodway from the Indiana DNR. 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 DNR.
2. The Floodplain Administrator shall take no action until a Permit for Construction in a Floodway (when applicable) has been issued by the Indiana DNR granting approval for construction in the floodway. Once a Permit for Construction in a Floodway has been issued by the Indiana DNR, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in [Sec. 9.1.5. Provisions for Flood Hazard Reduction](#) have been met. The Floodplain Development Permit cannot be less restrictive than the Permit for Construction in a Floodway issued by the Indiana DNR. However, the City's more restrictive regulations (if any) shall take precedence.
3. No development shall be allowed which, acting alone or in combination with existing or future development, will increase the regulatory flood more than fourteen-hundredths (0.14) of one (1) foot; and
4. For all projects involving channel modifications or fill (including levees) the City shall submit the data and request that the FEMA revise the regulatory flood data

E. Standards for Identified Fringe

If the site is in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in [Sec. 9.1.5. Provisions for Flood Hazard Reduction](#) 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.

F. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes

1. Drainage area upstream of the site is greater than one (1) square mile:
 - a. 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 (1) square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana DNR for review and comment.
 - b. The Floodplain Administrator shall take no action until either a Permit for Construction in a Floodway or a floodplain analysis/regulatory assessment citing the one percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana DNR.
 - c. Once the Floodplain Administrator has received the Permit for Construction in a Floodway or floodplain analysis/regulatory assessment from the Indiana DNR 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 DNR and the provisions contained in [Sec. 9.1.5. Provisions for Flood Hazard Reduction](#) have been met.
2. Drainage area upstream of the site is less than one (1) square mile:
 - a. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one (1) square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe and one percent annual chance flood elevation for the site.
 - b. Upon review, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in [Sec. 9.1.5. Provisions for Flood Hazard Reduction](#) have been met.
3. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the regulatory flood more than fourteen-hundredths (0.14) of one (1) foot and shall not increase flood damages or potential flood damages.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

CHAPTER 10. PROCEDURES & PERMITS

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Article 10.1. Procedures

Contents:

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Sec. 10.1.1. Common Review Procedures

A. Applicability

The following requirements are common to many of the procedures contained in the UDO and apply to applications submitted under this Chapter. Additional details may be included in [Article 10.2. Permit & Decision Type](#).

B. Application

Application and informational packets may be obtained through the Department and/or online through the [City website](#).

C. Application Requirements

1. **Ownership.** The petitioner for any application is this Chapter must:
 - a. Own a controlling interest in each parcel within the area of the proposed application; or
 - b. Have documentation authorizing the petitioner to act as the agent of the owners of all parcels within the area of the application.
2. **Initial Application.** All applications for approval shall be submitted in accordance with the requirements of the UDO and shall be filed with the Department.
3. **Forms.** Applications required under the UDO must be submitted, fully completed, on forms and in such numbers as required by the City.
4. **Supportive Information.** The application shall include, but not be limited to, the following documents:
 - a. All documentation specified on the application packet unless certain documentation is deemed superfluous by the Department due to the specific circumstances of the project.
 - b. Any other additional information as may be required by the Department to evaluate the application.
5. **Fees.** Fees shall be paid in accordance with the Fee Schedule, as set forth in [Sec. 2.1.1.A. Fee Schedule](#). No permit shall be granted by the Department until all applicable fees pertaining to that permit have been paid in full. No permit shall be granted by the Department until all fees and fines owed by the Applicant to the City have been paid in full. This requirement shall apply not only to fees and fines specific to the individual application, but shall also include all fees and fines owed on any permit previously issued to the Applicant. A schedule of payment of all owed fees provided by the Applicant to the satisfaction of the Director shall satisfy the requirement of this section in lieu of payment in full.

D. Application Process, Generally

1. **Prerequisites.** For those projects that require Board, Commission, Committee(s), and/or Council review, project approval shall have been granted prior to application being made for subsequent permits (e.g. approval of a Primary Plat before an Improvement Location Permit application is submitted).
2. **Pre-submittal Meeting.** Prior to applying, the petitioner shall meet with the Department to review the zoning classification of the site, review the regulatory ordinances and materials, and review the procedures. The Department will assist and advise the petitioner in preparing the application and supportive documents as necessary
3. **Investigation of Petitions.**
 - a. Any application in this Chapter may be reviewed by the TAC prior to consideration by the Department.
 - b. For applications requiring approval by the Board, Commission, Committee(s) and/or Council, the Department may submit a written report to the appropriate decision-making body stating any facts concerning the characteristics, land use, public facilities available, or other pertinent facts the application. The report may also contain opinions of the Department concerning the proposal and a report from members of the TAC (if applicable). A copy of such statement shall be made available to the petitioner and all remonstrators of record, if any.
4. **Revisions.** Following review by the Department and/or the Technical Advisory Committee, the petitioner shall submit revised copies of the application that address the comments and concerns. The petitioner shall refer to the specific application packet to determine the format and number of copies to be delivered to the Department.
5. **Expiration.** If a petitioner fails to provide comments, revisions or contact within a 6-month time period, and the Department has attempted to contact the petitioner, the application will be considered null and void.

E. Public Meetings

Applications requiring public meetings shall be filed in accordance with the adopted Schedule of Meeting and Filing Dates, as set forth in [Article 2.1. General Administration](#) and subject to the Rules of Procedure of the applicable hearing body.

F. Final Records

The Department shall maintain final records of all applications, plans, and permits filed and required by Indiana Law.

G. Inspection

The City may inspect any land, structure or other improvement at any reasonable time to ensure compliance with any permit or application in this Chapter.

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019)

Effective on: 8/19/2019

Sec. 10.1.2. Summary of Review Authority

The following table summarizes the review and approval authority of the various review bodies and permit/entitlement type in the UDO.

Type of Permit, Process or Decision	Cross-Ref.	City Staff	TAC	Board	PUD Committee	Plat Committee	Commission	Council	Public Hearing
Administrative Alternate	Sec. 10.2.1	D		A-QH					Y ²
Administrative Decision	Sec. 10.2.2	D	R ¹	A-QH					Y ²
Certificate of Compliance	Sec. 10.2.4	D	R ¹	A-QH					Y ²
Certificate of Occupancy	Sec. 10.2.5	D	R ¹	A-QH					Y ²
Development Plan Review	Sec. 10.2.10	D	R ¹				A-PH		Y ²
Exempt Entities	Sec. 10.2.12	R	R ¹					D	
Floodplain Standard Appeal	Sec. 10.2.13	D		A-QH					Y ²
Grading Permit	Sec. 10.2.14	D	R ¹						
Improvement Location Permit	Sec. 10.2.15	D	R ¹						
Planned Unit Development	Sec. 10.2.16	R	R ¹		RR		RR-PH	D	Y
Sign Permit	Sec. 10.2.18	D	R ¹	A-QH	D ³				Y ²
Special Exception	Sec. 10.2.19	R	R ¹	A-QH					Y ²
Subdivision (Platting)	Sec. 10.2.20								
■ Major		R	R ¹			D-PH	A-PH		Y
■ Minor		R	R ¹			D	A-PH		Y ²
Subdivision Improvement Permit	Sec. 10.2.21	D	R ¹	A-QH					Y ²
Temporary Use Permit	Sec. 10.2.22	D	R ¹	A-QH					Y ²
Text Amendment	Sec. 10.2.23	R	R ¹				RR-PH	D	Y
Variance	Sec. 10.2.24	R	R ¹	D-PH					Y
Zoning Map Change (Rezones)	Sec. 10.2.25	R	R ¹				RR-PH	D	Y
Change of Tenant	Sec. 10.2.26	R	R ¹					D	

Key: R = Review, D = Final Decision (unless appealed), A = Appeal Body, Y = Required, RR = Review & Recommendation, PH = Public Hearing, QH = Quasi-judicial Public Hearing

1. Director may require Review by the Technical Advisory Committee
2. Public Notice required if an appeal is filed to the Board of Zoning Appeals
3. Sign approval by the PUD Committee when certain zoning districts require review and approval.

(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [062121B](#), 07/19/2021)

Effective on: 7/19/2021

Article 10.2. Permit & Decision Type

Contents:

- Sec. 10.2.1. Administrative Alternate
- Sec. 10.2.2. Administrative Determination
- Sec. 10.2.3. Appeal of Administrative Determination
- Sec. 10.2.4. Certificate of Compliance
- Sec. 10.2.5. Certificate of Occupancy
- Sec. 10.2.6. Commitments
- Sec. 10.2.7. Conditions of Approval
- Sec. 10.2.8. Construction Surety
- Sec. 10.2.9. Dedication of Public Improvements
- Sec. 10.2.10. (RESERVED FOR FUTURE USE)
- Sec. 10.2.11. Easements
- Sec. 10.2.12. Exempt Entities
- Sec. 10.2.13. Floodplain Standard Appeal
- Sec. 10.2.14. Grading Permit
- Sec. 10.2.15. Improvement Location Permit
- Sec. 10.2.16. Planned Unit Development
- Sec. 10.2.17. Public Improvements
- Sec. 10.2.18. Sign Permit
- Sec. 10.2.19. Special Exception
- Sec. 10.2.20. Subdivision (Platting)
- Sec. 10.2.21. Subdivision Improvement Permit
- Sec. 10.2.22. Temporary Use Permit
- Sec. 10.2.23. Text Amendment
- Sec. 10.2.24. Variance
- Sec. 10.2.25. Zoning Map Change (Rezone)
- Sec. 10.2.26. Change of Tenant - Large Scale Tenant Spaces

Sec. 10.2.1. Administrative Alternate

A. Applicability

The Director has the authority to approve a request for an Administrative Alternate as set forth in this UDO. All Administrative Alternates shall be reviewed in accordance with the provisions of this Section.

B. Application Requirements

1. An application for an Administrative Alternate shall be submitted in accordance with [Article 10.1. Procedures](#). A request for an Administrative Alternate must be submitted at the time of application for a [Development Plan](#) or at such time the Administrative Alternate is proposed in conjunction with the review of [infrastructure construction plans](#), a [plot plan](#) or [site plan](#).
2. The [applicant](#) shall submit pertinent material necessary for review of the alternate; in addition to the [submittal material](#) stated above. This may include architectural renderings, materials samples or other project-specific information.

C. Approval Process

1. Technical Advisory Committee Review.

- a. In reviewing the Administrative alternate, the Director shall consult with the heads of the departments of Public Works, Engineering, [Parks and Recreation](#), and the Fire Department to check the proposed request against the requirements of this UDO and other applicable technical requirements of the City
- b. Within 15 days of receipt of the completed application the Director shall refer the request to the next scheduled Technical Advisory Committee meeting.
- c. Following the submission of a completed application, the Technical Advisory Committee shall review the request, considering the application and findings listed for each alternate requested.
- d. Within seven (7) days of its initial meeting when the matter was first discussed, the Technical Advisory Committee shall recommend to the Director approval, approval with conditions or denial of the requested Administrative Alternate.

2. Director Decision.

- a. The Director shall consider the applicable intent statements and the Administrative Alternate Findings for the request and either approve, approve with conditions or deny the request.
- b. The reasons for such approval or disapproval shall be stated in writing. A notice of the decision shall be provided to the applicant and the property [owner](#) (if the property owner is not the applicant) and to each [person](#) who has filed a written request for notice with the Director prior to their decision.
- c. Within 30 days from the date the application was decided, an appeal of the Director's action may be filed with the Commission.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.2. Administrative Determination

A. Purpose & Intent

The interpretation authority established by this section is intended to recognize that the provisions of the UDO, though detailed and extensive, cannot, as a practical matter, address every specific situation to which it may have to be applied. Many such situations can be readily addressed by an Administrative Determination of the specific provisions of the UDO considering the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, an Administrative Determination shall not have the effect of adding to or changing the essential content of the UDO but is intended only to allow authoritative application of that content to specific cases.

B. Applicability

The Director, subject to the procedures, standards, and limitations of this Section, may render written interpretations of the provisions of the UDO and of any rule or regulation issued pursuant to the UDO.

C. Prerequisites

Applications for Administrative Determinations may be filed by any person having a legal or equitable interest in property that gives rise to the need for an Administrative Determinations; if Interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion.

D. Application Process

1. **Application.** Applications for Administrative Determinations of the UDO shall be filed in accordance with the requirements of [Article 10.1. Procedures](#).
2. **Action on Application.** Within 10 working days following the receipt of a properly completed application, the Director shall inform the [Applicant](#) in writing of his/her determination, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the Director to act within 10 working days, or such further time to which the Applicant may agree, shall be deemed to be a decision denying the application rendered on the day following such 10-day period.
3. **Appeal.** Appeals from Administrative Determination rendered by the Director may be made in accordance with [Sec. 10.2.3. Appeal of Administrative Determination](#).

E. Standards for Use Determinations

The following standards shall govern the Director, and the Board on appeals from the Director, in issuing use determinations:

1. A determination for a [use](#) will be based on the criteria in [Sec. 5.1.3. Use Determination](#); and
2. No determination shall permit the establishment of any use that would be inconsistent with the purpose and intent of the [Zoning District](#).

F. Effect of Favorable Determination

No determination shall authorize the establishment of a use nor the [development](#), construction, reconstruction, alteration, or moving of any building or [structure](#), but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the UDO and ordinances of the City including, but not limited to, a [Building Permit](#), a [Certificate of Occupancy](#), Primary and Secondary Plats, or [Development Plan](#) approval.

G. Limitations on Determinations

A determination shall be limited only to the circumstance for which it was issued, and such determination shall not be deemed to authorize any allegedly similar circumstance for which a separate determination has not been issued, unless otherwise provided for in the determination or a subsequent determination made by the Director.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.3. Appeal of Administrative Determination

A. Right of Appeal

The Board may consider an appeal of any decision, interpretation, or determination made by the Director, or any other administrative official or board charged with the duty of enforcing and interpreting the UDO. The procedure set forth in this Section shall apply to all appeals of administrative decisions, unless otherwise set forth by local or Indiana law.

B. Stay of Work

1. If an appeal is filed in accordance with this Section, then the enforcing party shall take no further action on the matter pending the Board's decision, except for unsafe circumstances which present an immediate danger to the public.
2. If the administrative official or body from which the appeal is taken certifies to the Board that, because of the facts stated in the certificate, a stay would cause imminent peril to life or property, a Stay of Work shall not be issued. In that case, proceedings or work may not be stayed except by a Restraining Order. After application, after notice to the administrative official or body and to the owner of the premises affected, and after due cause is shown, the Board or the City Court may grant the Restraining Order.

C. Application

The Applicant shall submit an administrative appeal application within 30 days of when the decision, interpretation, or determination was made, along with the required supporting information. Supporting information shall include, but not be limited to, the following:

1. **Original Submittals.** Copies of all materials upon which the decision being appealed was based.
2. **Written Decisions.** Copies of any written decisions that are the subject of the appeal.
3. **Appeal Basis.** A letter describing the reasons for the appeal noting specific sections of the UDO or other applicable standards upon which the appeal is based.

D. Board Review

The Board will then, at a meeting scheduled consistent with the adopted Schedule of Meeting and Filing Dates, review the administrative appeal application and supporting information.

1. **Representation.** The Applicant and/or any representative of the appellant must be present at the meeting to present the appeal.
2. **Testimony.** The Board shall consider at the meeting a report from the Department and/or enforcing party, testimony from the Applicant, and/or testimony from witnesses.
3. **Procedures.** The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the Rules and Procedures of the Board.

E. Board Action

The Board may affirm, affirm with modifications, reverse, or continue the appeal.

1. **Affirm.** If the Board finds the administrative decision was consistent with the provisions of the UDO, then the Board shall affirm the determination in writing.
2. **Affirm with Modifications.** If the Board determines the proper determination of the provision(s) of the UDO that are subject to the appeal is consistent with neither the administrative determination nor the requested interpretation of the Applicant, then the Board may affirm the determination with modifications.
3. **Reverse.** If the Board finds the administrative determination was inconsistent with the provisions of the UDO, then the Board shall reverse the determination in writing.
4. **Continuances.** The appeal may be continued based on a request by the Department or Applicant; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request. The continuing of all applications shall be consistent with the Rules and Procedures of the Board.

F. Appeal

Any person aggrieved by the decision of the Board may appeal such decision to the Circuit Court, as provided in [IC 36-7-4-1000 et seq.](#)

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.4. Certificate of Compliance

A. Applicability

An application for a Certificate of Compliance (“CofC”) may be filed in accordance with this Section. A CofC: (i) may be required as set forth by the UDO; (ii) may serve as a written confirmation by the City that a property or use complies with the UDO, as may be requested by an applicant; (iii) may serve as a written verification of a property’s zoning, as may be requested by an applicant; and, (iv) shall be required for:

1. A change in use (e.g., change from residential to non-residential).
2. Exterior building or site improvements that would not otherwise require an Improvement Location Permit or Development Plan approval.
3. Landscaping (e.g., buffer yards) in Common Areas or Open Spaces.
4. Conditions of approval associated with an approval of the Board, Commission, Committee(s) or Council.
5. Other similar circumstances as may be determined by the Director.

B. Application

A complete application shall be submitted on forms provided by the Department, or a detailed written request to the Department with supporting information. Applications, requests, plans, and specifications filed by an Applicant shall be checked by the Department for compliance with the UDO. If the Department is satisfied that the property, plans and information provided in the application conforms to the requirements of the UDO and other applicable laws and ordinances, then the Department shall issue a CofC to the applicant.

C. Effect

No CofC shall authorize the establishment of a use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely certify compliance of an existing property, use and/or improvements thereon made in accordance with an approved permit. The filing and processing of applications for any permits and approvals may be required by the UDO and ordinances of the City including, but not limited to, a Building Permit, a Certificate of Occupancy, Primary and Secondary Plats, or Development Plan approval, for proposed improvements or uses.

D. Limitations

A CofC shall be limited only to the circumstance for which it was issued and at the time it was issued, and the CofC shall not be deemed to authorize any allegedly similar circumstance for which a separate review or certificate has not been issued or change in circumstances, unless otherwise provided for in the CofC.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.5. Certificate of Occupancy

A. Authority

It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy (“CofO”) shall have been issued by the Department. The CofO shall state that the proposed use of the building and/or land conforms to the requirements of the UDO and that the Department has inspected the property and attested to that fact.

B. Applicability

Applications for a CofO shall be filed in accordance with this Section.

C. Issuance of Certificate of Occupancy

A CofO may be issued by the Department within 10 days after notification by the Applicant that the lawful erection, reconstruction, or structural alteration of such building or other improvement of the land shall have been completed and the finding of the Department that such erection, reconstruction, or structural alteration is complete.

D. Enforcement

In case any building, structure, or property is, or is intended to be erected, constructed, reconstructed, altered or converted, or any building, structure, or property is, or is intended to be used in violation of, or contrary to the provisions of this ODO, the Director is hereby authorized, in addition to other remedies set forth in Indiana law and in this ODO, to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, alteration, conversion, or use. See also [CHAPTER 11. ENFORCEMENT & PENALTIES](#).

E. Sewage Disposal

An application for a permit for any use shall not be approved until it has been ascertained by the Department that the proposed use and minimum Lot size and width meet the minimum standards for a sewage disposal system as required by the County Health Department, the Board of Public Works, other licensed centralized waste collection entities of appropriate jurisdiction, and as otherwise required by the UDO.

F. Prerequisite

No CofO shall be issued for a nonresidential structure or for any other applicable use until the plans for such structure shall have been approved by the appropriate state agencies, including the State Fire Marshal.

G. Temporary Certificate of Occupancy

1. When the improvement covered by the issued permit has been completed in substantial conformity with the architectural plan, site plan and/or development plan submitted with the application, a Conditional CofO may then be issued. For nonresidential structures, the Conditional CofO shall permit the stocking, shelving, furniture installation and similar activities but not the utilization of the building for public use or the term "Open for Business." For residential structures, a Conditional CofO does permit the occupying of the structure in most instances. The duration of a Conditional CofO shall be for a period specified by the Director, not to exceed six (6) months from the date of issuance. Upon expiration of the Conditional CofO, either the conditions of issuance shall be met and a final CofO issued, or the site may face enforcement action pursuant to [CHAPTER 11. ENFORCEMENT & PENALTIES](#).
2. In conjunction with the approval of a Conditional CofO, the Director may require the petitioner to bond for all unfinished public improvements pursuant to [Sec. 10.2.8. Construction Surety](#).

H. Records of Certificate of Occupancy

A copy of every CofO issued pursuant to this Section shall be kept on file in the office of the Department and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.6. Commitments

A. Applicability

An Applicant may be required or allowed to make a commitment to the Board, Commission, Committee(s) or Council as a condition to the use or development of real estate in connection with the: (i) approval of a change of zoning proposal; (ii) approval of a Primary Plat or Development Plan; (iii) approval of a vacation of all or part of the plat; or (iv) approval of an application for a Variance.

B. Form

Commitments shall be reduced to writing in a prescribed recordable form approved by the City and signed by the owner(s) of the real estate and cross-referenced to the associated recorded document.

C. Expiration

Commitments may contain terms providing for their own expiration. A commitment may contain terms that the commitment automatically terminates: (i) if the Zoning District or classification applicable to the property is changed; (ii) if the use to which the commitment relates is changed; or (iii) otherwise in accordance with the Rules of Procedure of the Board, Commission, Committee(s) or Council to which the commitment is made. If not otherwise provided, commitments shall be in effect until otherwise modified or terminated pursuant to the UDO and by the decision-making body of origin.

D. Recording

Executed commitments shall authorize their recording by the Department in the Office of the Recorder of County, Indiana, upon the final approval of the related petition. If recorded by the Department, then the Department shall return the original recorded commitments to applicant and shall retain a copy of the recorded commitments in its file. If recorded by the applicant, then the applicant shall return a copy of the recorded commitments to the Department within 10 business days after recording.

E. Enforcement

The City may enforce any commitments the Board, Commission, Committee(s) or Council has accepted pursuant to I.C. 36-7-4-1015, or as otherwise provided by applicable law.

F. Modification of Commitments

A commitment made pursuant to the UDO, may be modified or terminated only at a public hearing with a decision of the Board, Commission, Committee(s) or Council to which the commitment was made. Any modification or termination of the commitments shall not be effective until: (i) reduced to writing in a form approved by the City; (ii) approved by the originating Board, Commission, Committee(s) or Council; (iii) executed and notarized by the current property owner of the real estate; and, (iv) recorded in the Office of the Recorder of County, Indiana.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.7. Conditions of Approval

A. Requirement

In conjunction with the approval of certain applications identified herein, the Board, Commission, Committee(s) and/or City Council may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations.

B. Form

The Department shall prepare the conditions of approval instrument in a form approved by the City Attorney. The Director shall sign the conditions of approval instrument.

C. Recording

The Department shall record the conditions of approval instrument in the County Recorder's office within 30 days of the approval. The Department shall deliver a copy of the recorded conditions of approval instrument to the petitioner within 30 days of recording.

D. Modification or Termination

A condition of approval made pursuant to the UDO, may be modified or terminated only at a public hearing with a decision of the Board, Commission, Committee(s) or Council by which the condition was made. Public notice of the public hearing shall be provided per the Rules of Procedure for the Board, Commission, Committee(s) or Council. The Department shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.

E. Enforcement

The City may enforce any condition of approval that has been imposed as if the condition were a standard of the UDO.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.8 Construction Surety

A. Performance Surety

1. A bond to the City required for public improvements or installation shall be executed prior to the time of an Improvement Location Permit issuance for a single site development or prior to subdivision plat recording, unless the required public improvements have already been constructed, inspected and approved and accepted by the receiving public entity. The improvements that shall be guaranteed include facilities which shall become public, and may include other facilities or improvements set from in the project specific Department of Engineering Residential and Commercial Development Surety Requirements (the "Engineering Letter") required under the provisions of this UDO, and the Construction Specifications and Standard Construction Specifications and Details for the City of Fishers ("Construction Standards"). See also Sec. 7.1.4. Principles & Standards of Design.
2. A performance bond approved by the City shall be required ensuring the timely and proper installation of required improvements as further specified by the Engineering Letter; provided, however, that any improvements to be dedicated to Hamilton County ("County") or other receiving entity within the City's planning jurisdiction area shall be bonded and guaranteed in accordance with County requirements and policy.
3. The land developer shall obtain a performance bond prior to recording an approved secondary plat if the area under development is within the existing public right-of-way or related to erosion control, unless the required public improvements have already been constructed, inspected and approved and accepted by the receiving public entity.
4. As a condition precedent to recording the secondary plat, the land developer shall obtain a performance bond for any incomplete or unfinished streets, sanitary piping, storm water piping systems, water mains, sidewalks, and erosion control that: (i) are: (A) in the approved development; or (B) required to service the approved development; and (ii) are included within: (A) the legal description of the recorded plat; or (B) a section in the legal description of the recorded plat; identified in the land developer's secondary plat filing.
5. The City shall not approve any project that involves public improvements without a performance bond to cover the proposed improvements and installation, unless the required public improvements have already been constructed, inspected and approved and accepted by the receiving public entity.
6. The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any of the other individual public facility improvements and installations or their performance guarantees.
7. Surety will be reviewed as part of the Improvement Location Permit or Subdivision Improvement Permit. The application shall include, but not be limited to, the following documents:
 - a. An estimate prepared by a Professional Engineer for the amount of the performance bond; and
 - b. Such other information as may be required by the City to evaluate the surety.
8. Upon receipt of a complete application and supportive documents for an Improvement Location Permit or Subdivision Improvement Permit (see also Article 10.1. Procedures) the Department shall forward the Construction Cost Estimate to the Engineering Director for review. The City may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Performance Surety.

9. Engineering Review.

- a. Upon receipt of a complete application and supportive documents for an Improvement Location Permit or Subdivision Improvement Permit, the Engineering Director shall review the developer's construction estimate, and either approve or revise the amount. The Engineering Director shall confirm that the performance bond:
 - i. Is issued in an amount equal to 125% of the approved or revised construction estimate, which amount accounts for the estimated cost of inflation for materials and labor required to complete the project, improvements and installations in compliance with the UDO, the Construction Standards and the Engineering Letter;
 - ii. Provides surety satisfactory to the City County or receiving entity;
 - iii. Runs to and is in favor of the City, County or receiving entity;
 - iv. Specifies the time for the completion of the improvements and installations (both on and off site);
 - v. Is in effect and shall not terminate until 30 calendar days after the final construction and Maintenance Surety is accepted by the City, County or receiving entity; and
 - vi. Is in a form approved by the City Attorney.
- b. The Engineering Director may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Performance Surety.
- c. The Engineering Director shall recommend approval or rejection of the Performance Bond.

10. Duration.

- a. The completion of public facility improvements and installations shall be within two (2) years of the approval of the project, unless otherwise specifically approved by the City and specifically stated within the terms of the Performance Bond.
- b. Should the developer not complete the public facility improvements and installations as herein required, the Engineering Director may approve the developer's written request for an extension of time of up to two (2) additional years, granted in six-month intervals, for completion of the required public facility improvements and installations if developer's surety is also extended.
- c. Should the developer not complete the public facility improvements and installations as herein required, the City may make demand upon or call the bond and take the necessary steps to proceed with the completion of the public facility improvements and installations, making use of the performance bond.
- d. The performance bond shall be in effect and shall not terminate until 30 calendar days after the Certificate of Final Acceptance is issued by the City and the Maintenance Bond has been accepted by the City, County or receiving entity.

11. Performance Surety Reduction.

- a. An annual partial release of a Performance Surety held by the City, County or receiving entity may be approved by the City if the City, County or receiving entity and the land developer (or its designated agent) mutually agree in writing before or during development of the project.
- b. Bonds held by the County or receiving entity, must be reduced in accordance with County bonding policy. The City shall receive notice of said reduction(s).

B. Maintenance Surety

1. The purpose of the Maintenance Bond shall be to:
 - a. Ensure and guarantee the maintenance of all improvements and installations, including sidewalks, during a three-year period following preliminary acceptance of the improvements and release of performance bonds;
 - b. Provide a maintenance bond satisfactory to the City, County or receiving entity;
 - c. Warrant the workmanship and all materials used in the construction, installation and completion of said improvements and that the installations are of good quality and have been constructed and completed in a workmanlike manner in accordance with:
 - i. The standards, specifications and requirements of this UDO;
 - ii. The approved Construction Plans and specifications therefor; and
 - iii. The Construction Standards.
 - d. Provide that, for a period of three (3) years after said installations and improvements have been completed and are preliminarily accepted by the City, the developer shall at his own expense make all repairs to said improvements and installations.
2. The improvements shall have passed inspection by the Engineering Director prior to submitting the required Maintenance Bond to the City.
3. A developer shall provide a Maintenance Bond for (i) any project for which a Performance Bond was required (Except for Erosion Control or BMPs); and (ii) sidewalks in residential developments. The Maintenance Bond shall be obtained upon release of the Performance Bond or, regarding sidewalks, prior to issuance of a certificate of occupancy for the primary structure.
4. Prior to the City releasing developer's performance surety and/or a certificate of occupancy, developer shall provide a maintenance bond as further specified herein:
 - a. Certification by a Professional Engineer that all improvements were installed as shown and in conformance with the UDO, the Construction Standards and the Engineering Letter.
 - b. Estimate prepared by a Professional Engineer for the maintenance bond, which bond shall be in a sum of not less than 20% of the cost to construct the improvements and installations plus a reasonable estimate of the cost to repair and maintain the improvements and installations in compliance with the UDO, the Construction Standards and the Engineering Letter; and
 - c. Such other information as may be required by the City to evaluate the application.
5. Upon receipt of a complete application and supportive documents, the Department shall forward the application to the Engineering Director for review. The Department may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Maintenance Surety.

6. Application Review.

- a. The Engineering Director (nonresidential sidewalks) or the Building Official (residential sidewalks) shall review the developer's estimate, and either approve or revise the amount.
- b. The estimate along with the application and supportive documents will be reviewed. The Engineering Director (nonresidential sidewalks) or the Building Official (residential sidewalks) shall confirm that the maintenance bond shall:
 - i. Be in a sum of not less than 20% of the cost to construct the improvements and installations plus a reasonable estimate of the cost to repair and maintain the improvements and installations in compliance with the UDO and the Construction Standards;
 - ii. Provide surety satisfactory to the City, County or receiving entity;
 - iii. Run to and be in favor of the City, County or receiving entity;
 - iv. Be in effect and shall not terminate for three (3) years the date in which the improvements or installations were preliminarily accepted by the City; and
 - v. Be in a form approved by the City Attorney.
- c. The Engineering Director (nonresidential sidewalks) or the Building Official (residential sidewalks) may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Maintenance Surety.
- d. The Engineering Director (nonresidential sidewalks) or the Building Official (residential sidewalks) shall approve or reject the Maintenance Bond.

7. **Nonperformance.** Should the improvements and installations require maintenance within the three-year (3) period and the developer fails to perform such maintenance, the City shall make demand upon or call the bond and take the necessary steps to repair and/or maintain the improvements and installations, making use of the maintenance bond proceeds.

C. Certificate of Final Acceptance

1. The purpose of this section is to outline the procedure employed by the City to ensure compliance with all applicable ordinances and regulations when considering a petition for a Certificate of Final Acceptance.
2. When the required public facility or City required improvements and installations for any project for which a Maintenance Surety has been submitted have been completed, the owner or developer shall apply for a Certificate of Final Acceptance from the City.
3. **Application.** Upon receipt of a complete application and supportive documents (see also Article 10.1. Procedures) the Department shall forward the Certificate of Final Acceptance application to the Engineering Director for review.
4. **Certification.** Certification by a Professional Engineer stating that all improvements were installed as shown and in conformance with the UDO and the Construction Standards shall be required.
5. **Engineering Department.**
 - a. Upon completing the construction of the public or City required improvements covered by the Maintenance Surety, and prior to the termination of the surety period, the developer shall prepare and file with the City a set of the approved public improvement plan and profile drawings, amended to indicate as-built information, and shall apply to the Engineering Director for a final inspection of the work.
 - b. The Engineering Director shall inspect the improvements for compliance with this UDO and the Construction Standards.
 - c. The Engineering Director shall, in his sole discretion, recommend that the Maintenance Surety be released, extended, or declared in default. In making his determination, the Engineering Director shall accept public improvements that meet the following conditions:
 - i. The completed public improvements shall comply with the design standards of this Chapter; in accordance with the Construction Standards and the Engineering Letter; and have been installed in accordance with the approved plans;
 - ii. All final inspections required by the City have been completed and the improvements found to be acceptable by the Engineering Director;
 - iii. The developer has prepared and submitted two (2) sets of prints of record plans that accurately depict the improvements as actually built (as-built plans); and
 - iv. The developer, by appropriate instrument, has conveyed to the City good title, free of all liens, for all public improvements for which the City is to be responsible for operation and maintenance. Any required easement shall be deeded to the appropriate governmental entity by instrument approved in form by the City Attorney and bearing acceptance on behalf of the appropriate entity. The developer shall have furnished a copy of the recording receipt to the City prior to Maintenance Surety release.
6. **Extraterritorial Jurisdiction.** Any public improvements installed pursuant to a County or other entity surety within the City's extraterritorial planning jurisdiction shall be inspected and accepted by County in accordance with County surety policy.

D. Conveyance of Common Area Improvements to Homeowner's Association: Quality Assurance

1. Notwithstanding the above provisions of this [Sec. 10.2.8.](#) for Public Improvements, prior to turnover of control of the board of directors of the homeowner's association by the developer of the owners of home in a development, the developer shall cause an inspection of drainage, sidewalks, and street tree improvements in the development not located on a platted lot or for which the homeowners' association has a maintenance responsibility (a "Common Area Improvement"). Inspection shall:
 - a. Be performed by an independent, licensed professional engineer or land surveyor selected and paid for by the declarant; and
 - b. Determine whether each Common Area Improvement has been completed and is in compliance with all applicable requirements of: the City of Fishers, including: any PUD Ordinance; the Hamilton County Surveyor's office; and any other applicable governmental authority or utility.

(Ord. [071618F](#), 07/19/2018; Ord. [021819E](#), 03/18/2019)

Effective on: 3/18/2019

Sec. 10.2.9 Dedication of Public Improvements

A. General

1. Any [development](#) that includes [improvements](#) that are intended to be dedicated to the City shall meet the standards within this section
2. [Developments](#) are permitted only if the [public streets](#), [drainage facilities](#), and utilities are adequate to serve the proposed [development](#). Any [public streets](#) which will carry the increased traffic from the [development](#) shall be adequate to accommodate such traffic.
3. [Drainage facilities](#) and [public utilities](#) shall have sufficient capacity to serve the [development](#).
4. The Engineering Director shall decide the needed [street](#) and [drainage improvements](#).
5. The Engineering Director or outside entities shall decide the needed utility [improvements](#).
6. When [public improvements](#) are required, the [developer](#) or authorized representative is required to post performance and maintenance guarantees in accordance with [Sec. 10.2.8. Construction Surety](#).
7. All [private streets](#) shall be constructed to the [private street](#) standards set forth in the Construction Standards in accordance with [Sec. 7.1.4. Principles & Standards of Design](#).
8. Manufactured or mobile home [parks](#) shall be in accordance with State Law and their subsequent amendments, the State Board of Health requirements, and the requirements of this UDO.

B. Dedicated Streets

1. Only those [streets](#) that are a functioning part of the overall traffic requirements of the City, or that clearly provide required access, both ingress or egress, to adjacent areas or points of access, shall be considered for [dedication](#) to and acceptance by the City as [public streets](#) and, if accepted, thereafter be maintained by the City.
2. All [streets](#) accepted for [dedication](#) shall be designed and constructed in accordance with this Chapter, the City's Construction Standards (see [Sec. 7.1.4. Principles & Standards of Design](#)) for the City of Fishers, and the Transportation Plan.
3. Parking areas, blisters, bubbles or [lots](#) shall not be located within the dedicated [street right-of-way](#), but may be connected to the [street](#) with approved drives, and ingress and egress controls.
4. All other [streets](#), drives and traffic areas on [site](#) shall be and remain a part of the [subdivision](#) and hence maintained by the [owners](#) or occupants of said [subdivision](#).

C. Dedicated Utilities

1. **Water Utility.** The arrangement for the dedication or private maintenance of water service shall constitute an agreement between the developer and the water utility, the only exception to that being that only those fire hydrants located within dedicated street rights-of-way shall be included in the fire hydrant rental agreement between the City and the water utility. All other hydrants shall be considered private and the rental shall be managed between the owner and the water utility.
2. **Street Lighting.** The above policy water utility and service conditions shall likewise apply to street lighting. The electric utility and street lighting is provided by a franchise agreement between the City and the electric utility.
3. **Sanitary Sewer.** Sanitary sewer service within the jurisdiction of the Commission is provided by franchise agreement with a sanitary sewer service provider. Sanitary sewers constructed in other sanitary sewer service areas shall be constructed to the standards specified by the utility providing the service. Sanitary sewer systems within the City's sanitary sewer service area shall be constructed to the City's standards. Allowable infiltration quantities shall be strictly controlled by the City. Only those sewers that meet the approval of the City shall be connected to the City's collection system. All sanitary sewers shall be totally completed, inspected and tested prior to any connection with the existing system. Only those sanitary sewers located in dedicated street rights-of-way or in utility easements shall be accepted by the City as part of its system, and for maintenance by the City.
4. **Storm Water.** The above sanitary sewer policy shall likewise prevail for storm sewers and drainage facilities, to the extent that only those storm drainage facilities that are in street rights-of-way or easements shall be accepted by the City. Detention, retention, and/or lakes and ponds shall remain private property, and shall not become a part of the City's system or obligation for maintenance.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.10 (RESERVED FOR FUTURE USE)

(RESERVED FOR FUTURE USE)

(Ord. 071618F, 07/19/2018; Ord. 121922E, 01/17/2023)

Effective on: 1/17/2023

Sec. 10.2.11 Easements

A. Purpose & Intent

Platted easements and deed of easements shall be provided in the locations and dimensions required by the City to:

1. Allow for adequate storm drainage facilities;
2. Allow for proper installation of water and sewer lines, whether immediately proposed or necessary for adequate service in the future;
3. Allow for cross-access between properties;
4. Allow for adequate transit facilities and access;
5. Allow for adequate pedestrian and bicycle access;
6. Allow for adequate right-of way for street types;
7. Allow for adequate public access; and
8. Allow for adequate slope for roadway construction.

B. Drainage & Utility Easements

All proposed developments submitted for Commission approval under the provisions of this Section shall allocate areas of suitable size and location, wherever necessary, for drainage and/or utility easements. All easements and corresponding utility location plans shall be complete and approved prior to the final approval of an Improvement Location Permit or secondary plat. .

C. Surface Drainage

If any stream or necessary surface drainage course is in an area to be developed, an easement shall be established along all sides per the County Surveyor if it is a legal drain or 20 feet per side (measured from top of bank) if not a legal drain. The easement shall be allocated for widening, deepening, sloping, improving or protecting said stream or surface drainage course.

D. Other Easements

When an easement is required by this UDO, a commitment, or a condition of approval, each owner of record ("grantor") shall execute the easement instrument in favor of the adjoining property owner ("grantee"). Said instrument shall:

1. Specify the docket numbers of the petitions with which the easement is associated;
2. Specify the grantee's financial responsibilities with respect to the alteration, repair, maintenance, and removal of the improvements;
3. Require that any public improvement (for example, street) be built to the standards of the City;
4. Specify those activities the grantee is authorized to perform in the easement (for example, grant public access for cross-access);
5. Specify those activities the grantor is prohibited from performing in the easement (for example, prohibit parking within a cross-access easement);
6. Be binding on all heirs, successors, and assigns to the property on which the easement is located;
7. Be enforceable by the grantee and the City;
8. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
9. Provide for modification or termination in the manner stipulated in the UDO;
10. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
11. Include a metes and bounds description of the easement;
12. Be signed by a duly authorized representative of the property owner of record granting the easement and by a duly authorized representative of the grantee accepting the easement.
13. The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.
14. If the Declaration of Covenants is included on the plan (e.g. Secondary Plat, Development Plan, etc.), the easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

E. Easement Certificates

When a plan (e.g. Secondary Plat, Development Plan, etc.) is being recorded, the developer may forego a separate easement instrument in favor of printing the following for each easement type directly on the plan to be recorded:

1. **Cross-access Easement Certificate.** “There are shown on this instrument areas that are designated as ‘Cross-access Easement’ or abbreviated as ‘C-A.E.’ Such easements are hereby established in favor of the adjoining property owner (‘grantee’), and grant the public the right to enter the easement for purposes of accessing adjoining parking lots. These easements prohibit any person from parking vehicles within the easement, and prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the City may enforce the provisions of the easement. [] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the City of Fishers UDO, or its successor ordinance.”
2. **Private Street Easement Certificate.** “There are shown on this instrument areas that are designated as ‘Private Street Easement’ or abbreviated as ‘P.S.E.’ Such easements are hereby established in favor of the adjoining property owners (‘grantee’), and grant the grantee the right to enter the easement for purposes of accessing their lot. These easements prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the City may enforce the provisions of the easement. [] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the City of Fishers UDO, or its successor ordinance.”
3. **Shared Driveway Easement Certificate.** “There are shown on this instrument areas that are designated as ‘Shared Driveway Easement’ or abbreviated as ‘S.D.E.’ Such easements are hereby established in favor of the adjoining property owners (‘grantee’), and grant the grantee the right to enter the easement for purposes of maneuvering vehicles. The easement prohibits the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the City may enforce the provisions of the easement. [] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the City of Fishers UDO, or its successor ordinance.”
4. **Subdivision Sign Easement Certificate.** “There are shown on this instrument areas that are designated as ‘Subdivision Sign Easement’ or abbreviated as ‘S.S.E.’ Such easements are hereby established in favor of the [] Homeowners Association (‘grantee’), and grant the grantee the right to enter the easement for purposes of altering, repairing, maintaining, or removing the improvements. These easements prohibit the property owner or any other person from placing any obstruction in front of, altering, removing, or otherwise impairing the improvements within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the City may enforce the provisions of the easement. [] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the City of Fishers UDO, or its successor ordinance.”
5. **Temporary Turnaround Easement Certificate.** “There are shown on this instrument areas that are designated as ‘Temporary Turnaround Easement’ or abbreviated as ‘T.T.E.’ Such easements are hereby established in favor of the public (‘grantee’), and grant the grantee the right to enter the easement for purposes of maneuvering vehicles. The easement also grants the City the right to alter, repair, maintain, or remove the improvements. The easement prohibits any person from parking vehicles within the easement and prohibits the property owner or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the City may enforce the provisions of the easement. [] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the City of Fishers UDO, or its successor ordinance.”

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.12 Exempt Entities

All projects proposed by Exempt Entities (see also [Sec. 1.3.1. Jurisdiction & Exempt Entities](#)) will be administratively reviewed for determining whether such projects meet development standards, including, but not limited to, setbacks, landscaping, lot coverage, sidewalks, lighting standards, and other bulk standards as outlined in the UDO.

A. Procedures

Exempt Entities may be exempted from the UDO with Council review and approval. Said review shall follow the procedures outlined below:

1. Each project will be given a deficiency report describing the provisions of the UDO that the project does not comply with. The deficiency report with the project will be presented to the TAC for review and comments.
2. The sponsoring entity will be notified at the time of the TAC letter of the deficiencies along with notification being given to the Council on all projects. The Council shall adopt a resolution acknowledging and accepting the deficiency report.

B. Fees

Exempt Entities may be exempt from paying any fees to the City if approved by the Director.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.13 Floodplain Standard Appeal

A. Purpose & Intent

The purpose and intent of this Section is to outline the procedure employed by the City in order to afford the public an avenue of appeal when there is some doubt that the [Floodplain Administrator](#) has rendered a correct interpretation of the applicable ordinances and regulations while administering or enforcing the requirements of [CHAPTER 9. FLOODPLAIN STANDARDS](#).

B. Applicability

1. The Board shall hear and decide Floodplain Standards 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 [CHAPTER 9. FLOODPLAIN STANDARDS](#).

C. Stay of Work

1. When an appeal from the decision of the Floodplain Administrator has been filed, the Board stay the proceedings and work on the [premises](#) affected.
2. If the Floodplain Administrator certifies to the Board that, because of the facts stated in the certificate, a stay would cause imminent peril to life or property, a Stay of Work shall not be issued. In that case, proceedings or work may not be stayed except by a Restraining Order. After application, after notice to the Floodplain Administrator and to the owner of the premises affected, and after due cause is shown, the City Court may grant the Restraining Order.

D. Application

1. An application for an appeal of a decision by the Floodplain Administrator shall be filed in accordance with [Article 10.1. Procedures](#).
2. No fee shall be required as part of an appeal of a decision by the Floodplain Administrator.

E. Department

1. The Department shall review a Floodplain Standards Appeal petition upon receipt of a complete application and supportive documents.
2. Once the Department has determined that the petitioner has made a complete submittal, the Department shall:
 - a. Assign the item a docket number;
 - b. Place the item on an agenda of the Board of Zoning Appeals;
 - c. Inform the appellant of the time, date, and place of the meeting.
 - d. The Department may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Floodplain Standards Appeal petition.
 - e. The Department shall prepare a written report outlining its findings with respect to the Floodplain Standards Appeal. The Department report may incorporate, or incorporate by reference, any items that remain outstanding with the other members of the TAC.

F. Board Review

1. **Decision Making Body.** The Board shall hear and decide Floodplain Standards Appeals.
2. **Process.** The process for a Floodplain Administrator Appeal shall comply with [Sec. 10.1.1. Common Review Procedures](#).
3. **Submittal.** The appellant shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Department for distribution to the members of the Board. Incomplete submittals may result in the petition's being held off the Board agenda to allow the appellant time to complete the submittal. Materials submitted by the petitioner after the informational packets have been distributed shall be subject to action pursuant to the Board Rules of Procedure.
4. **Review.** The Board shall review:
 - a. The written statement and supportive material submitted by the appellant;
 - b. The record of action supplied by the Floodplain Administrator;
 - c. The testimony of the appellant;
 - d. The testimony of the Floodplain Administrator;
 - e. Relevant evidence presented by other [persons](#);
 - f. All technical evaluations;
 - g. All relevant factors;
 - h. All standards specified in other sections of the UDO;
 - i. The danger of life and property due to flooding or erosion damage;
 - j. The susceptibility of the proposed [facility](#) and its contents to [flood](#) damage and the effect of such damage on the individual owner;
 - k. The importance of the services provided by the proposed facility to the community;
 - l. The necessity to the facility of a waterfront location, where applicable;
 - m. The availability of alternative locations for the proposed [use](#) that are not subject to flooding or erosion damage;
 - n. The compatibility of the proposed use with existing and anticipated [development](#);
 - o. The relationship of the proposed use to the [Comprehensive Plan](#) and [floodplain management](#) program for that area;
 - p. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - q. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site;
 - r. 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;
 - s. The Department report; and
 - t. Any additional information provided at or prior to the public hearing.
5. **Decision.** The Board may reverse, affirm or modify the order, requirements, decision or determination of the Floodplain Administrator.

G. Appeal

Any person aggrieved by the decision of the Board may appeal such decision to the Circuit Court, as provided in [IC 36-7-4-1016](#).

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

A. Permit Required

The following shall apply to land alteration work:

1. No person, either as property owner, contractor, private engineer, or otherwise, shall do or shall cause to be done any land alteration work without a Grading Permit to do such work.
2. All work done in land alteration shall be done in accordance with the conditions of the required permit, and shall conform to the approved plans, standard drawings, specifications, and general conditions as may be determined by the City Engineer to be applicable to the work.
3. The Grading Permit is contingent upon an approved Grading Plan and an approved Erosion and Sedimentation Control Plan.
4. A Grading Permit does not authorize the installation of infrastructure or any other physical improvements to the site beyond what is required to meet the Erosion and Sedimentation Control Plan.

B. Prerequisites

1. **Grading Plan.** The Grading Plan for the site must be approved by the appropriate City, local, State, and federal authorities prior to the issuance of a Grading Permit.
2. **Erosion and Sedimentation Control Plan.** The Erosion and Sedimentation Control Plan for the site must be approved by the appropriate City, local, State, and federal authorities prior to the issuance of a Grading Permit.

C. Application

Application of a Grading Permit shall be filed with the Department of Engineering in the form prescribed by the Director of Engineering.

D. Application Decision

The Director of Engineering shall approve or deny the application within 20 working days of the receipt of a completed application, fee, and supportive documents (the 20 days begin upon receipt of any revisions required by TAC).

E. Surety Requirement

In conjunction with the approval of a Grading Permit, the petitioner shall provide financial surety for all public improvements pursuant to Sec. 10.2.8. Construction Surety.

F. Posting of Permit

The petitioner shall post the Grading Permit on the project site in a conspicuous location.

G. Inspection

Prior to the initiation of site grading, the Director of Engineering shall inspect the erosion and sedimentation controls installed by the petitioner to ensure that they meet or exceed the measures in the approved Erosion and Sedimentation Control Plan. In addition, the Department may inspect any structure or other improvement at any reasonable time to ensure compliance with the Grading Permit.

H. Correction of Deficiencies

The Director of Engineering shall apprise the petitioner in writing of any deficiencies in the installation of the erosion and sedimentation control measures. The petitioner shall schedule a follow-up inspection once the deficiencies have been corrected.

I. Commencement of Grading

Grading shall not commence until the Director of Engineering has approved the installation of the erosion and sedimentation control measures for the site. Initiation of grading prior to receiving the approval of the Director of Engineering shall constitute a violation of the UDO, and shall be addressed as provided in CHAPTER 11. ENFORCEMENT & PENALTIES.

J. Duration

The work or use authorized by any Grading Permit must be commenced within six (6) months of the date of issuance; otherwise, the Grading Permit shall lapse and become null and void. All work so authorized shall be completed within 12 months from the date of issuance of the Grading Permit, unless good cause for an extension of time for completion is shown to the Director of Engineering. Upon the issuance of an Improvement Location Permit or a Subdivision Improvement Permit, the Grading Permit becomes part of the Improvement Location Permit or the Subdivision Improvement Permit.

K. Changes or Amendments

The petitioner may submit revisions or amendments to an approved Grading Permit for consideration by the Department of Engineering and the City, local, State, and federal authorities having jurisdiction. A revision or amendment to an approved Grading Permit shall only be authorized upon review and approval by the City, local, State, and federal authorities having jurisdiction. Changes, amendments or resubmittals shall be subject to the Standard Construction Specifications and Details for the City in effect at the time the application for such changes, amendment or resubmittal is made.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.15 Improvement Location Permit

A. Purpose & Intent

The purpose and intent of this Section is to encourage development within the City in such a manner as to provide for the improvement of the health, safety, convenience, and welfare of its citizens. Therefore, an Improvement Location Permit (ILP) will be required so that new areas will develop with adequate street, parking, drainage, utilities, and health consideration. The scope of an ILP allows site work only (e.g. site grading, infrastructure installation, etc.).

B. Applicability

No improvement or use of land may be altered, changed, placed, erected, or located on platted or un-platted lands in all zoning districts unless the improvement or use and its location conform with the Comprehensive Plan, the UDO, and an Improvement Location Permit for such improvement or use has been issued.

C. Exception

Property used solely for agricultural purposes or for single-family residential purposes do not require and Improved Location Permit.

D. Application

Application of an Improved Location Permit shall be filed with the Department in the form prescribed by the Director and shall include materials required in Article 10.1. Procedures.

E. Application Decision

The Director shall approve or deny the application within 120 working days of the receipt of a completed application, fee, and supportive documents. If the Director denies the application, the Department shall provide the petitioner the reasons for the denial in writing.

F. Duration

1. The work or use authorized by the ILP shall start within six (6) months of the date of issuance; otherwise the ILP shall lapse and become null and void. All work authorized by any ILP shall be completed within 24 months from the date of issuance, unless an extension is granted by the Director.
2. One (1) extension of up to six (6) months may be authorized by the Director for reason/cause. A written request for an extension and a construction schedule shall be submitted to the Director.

G. Surety Requirement

In conjunction with the approval of an Improvement Location Permit, the petitioner shall provide financial surety for all public improvements pursuant to [Sec. 10.2.8. Construction Surety](#).

H. Posting of Permit

The petitioner shall post the Improvement Location Permit on the project site in a conspicuous location.

I. Inspection

The Department may inspect any structure or other improvement at any reasonable time to ensure compliance with the Improvement Location Permit.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.16 Planned Unit Development

A. Purpose & Intent

Generally, a Planned Unit Development (PUD) Zoning District may be established to provide for the development of mixed zoning classifications, densities, and uses under a common classification, when presented to the Commission in a well prepared, organized and documented plan (See also [Sec. 3.4.5. PUD Planned Unit Development District](#)). This classification is intended to provide for:

1. Greater flexibility in applying the ordinances to mixed zoning classifications;
2. Innovative approaches to meet the demands of the housing, commercial, and business markets;
3. The recognition of the interdependency of the housing, commercial, and business markets;
4. The establishment of creative and unique developments that would not otherwise be able to be developed under the provisions of the City's standard zoning district regulations;
5. The planning and development of mixed zoning classes consistent with the best interest of the jurisdictional area of the City and the applicable ordinances.

B. Required Approvals

A PUD District requires the following approvals:

1. Ordinance, Preliminary Architectural Drawings and Concept Plan (collectively, "PUD District Ordinance").
2. Subdivision Approval in accordance with [Sec. 10.2.20. Subdivision \(Platting\)](#).

C. Application

Application of an PUD District Ordinance shall be filed with the Department in the form prescribed by the Director and shall include materials required in [Article 10.1. Procedures](#).

D. Application Decision

An application for a PUD District Ordinance shall be reviewed and considered by the PUD Committee, Commission and Council in accordance with [Sec. 10.2.25. Zoning Map Change \(Rezone\)](#).

E. Commitments

In conjunction with its recommendation to the Council regarding a PUD District Ordinance, the PUD Committee and Commission may recommend that the Council permit or require the petitioner to make written commitments concerning the use or development of the parcel. Commitments shall be provided in accordance with this Article (see also [Sec. 10.2.6. Commitments](#)).

F. Conditions of Approval

In conjunction with its recommendation to the Council regarding a PUD District Ordinance, the PUD Committee and Commission may recommend that the Council impose conditions of approval concerning the use or development of the parcel.

G. Revisions

Following the PUD Committee and/or Commission review, the petitioner shall submit revised copies of the PUD District Ordinance that address the comments and concerns of the PUD Committee and/or Commission.

H. Effect of Approvals

A PUD District Ordinance shall become effective after its approval by the Council and shall be recorded by the City in the Office of the Recorder of County, Indiana. The Zoning Map shall be amended accordingly. The use and development of the property shall thereafter be governed by the PUD District Ordinance, subject to review and approval of subsequent permits and approvals as required by the UDO, and any other regulatory processes which may be required prior to commencement of construction within the PUD District.

I. Duration

Failure to start construction for as it relates to a PUD District Ordinance within five (5) years of its effective date (unless extended by the Director or Commission) will automatically void the PUD Ordinance, Preliminary Architectural Drawings and Concept Plan. The PUD District Zoning will remain valid; however, a rezone or text amendment will need to be approved to establish a new PUD Ordinance, Preliminary Architectural Drawings and Concept Plan before any permits or approvals are granted for the properties within the PUD District. In the event construction work is involved, such work must commence within the stated period and be diligently pursued.

J. Extensions

Extension of time up to a maximum two (2) years may be granted from the date of expiration of the PUD District Ordinance by the Director when extenuating circumstances can be clearly shown by the petitioner. The request for same shall be submitted to the Director in writing prior to the expiration date and shall clearly state the reasons why construction has not commenced.

The Commission may grant such additional time extensions if there have not been adopted changes to Comprehensive Plan and zoning regulations that would impact the PUD District Ordinance.

K. Development Plan Approval

Development Plan approval, as set forth in [Sec. 10.2.10. \(RESERVED FOR FUTURE USE\)](#), shall be required for all PUD Districts. Development Plans shall conform to the approved PUD District Ordinance and the UDO for portion of the PUD District Ordinance which defaults to the UDO for any development standard that is not modified as part of the PUD District Ordinance.

L. Permits

No permit of any kind shall be issued for any purpose within a PUD District except in accordance with the approved Development Plan, and after acceptance by the City of all required guarantees for improvements pursuant to the UDO.

M. PUD District Ordinance Requirements

PUD District Ordinances and supporting data shall include the following documentation. The Director, in its sole discretion, may, in writing, waive or relax any of the requirements listed which are not relevant or deemed unnecessary for a thorough review of the development.

1. **PUD Ordinance.** The PUD District Ordinance shall follow a standard format adopted by the City for PUD District Ordinances.
2. **Preliminary Architectural Drawings.** As part of the approval of a PUD District Ordinance, the PUD Committee shall review and approve the Preliminary Architectural Drawings before the PUD Ordinance is approved by the City Council. Approval of the Preliminary Architectural Drawings shall represent the architectural standards for the PUD District when the construction plans are submitted for review and approval.
3. **Concept Plan.** The Concept Plan shall show in general terms the following: major circulation; generalized location and dimensions of buildings, structures, and Parking Areas; Open Space areas; Conservation and/or Preservation areas; recreation facilities; and other details to indicate the character of the proposed development.
4. **Written Statement of Character.** A written statement of character of the PUD District shall provide an explanation of the character of the PUD District and the reasons why it has been planned to take advantage of the flexibility of these regulations.
5. **Development Amenities and Open Space.** The PUD District Ordinance must include a statement of recreational amenities and open space. Such statements shall designate and convey active and/or passive recreational areas in accordance with Article 8.4. Open Space, Common Area & Amenity Standards.
6. **Traffic Impact Study.** A Traffic Impact Study may be required to be conducted at the discretion of the Director, the Director of Engineering, or the Commission. If a Traffic Impact Study is required, then it shall be prepared by a registered professional engineer and shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the petitioner shall meet with the Department to determine the appropriate scope for the study.
7. **Additional Materials.** The Department shall inform the Applicant in writing of any additional information, documents or data deemed necessary to support a thorough review of the proposed development.

N. PUD District Ordinance Amendments

The procedure for amending an approved PUD District Ordinance (text amendment) shall be the same as the procedure for the adoption of the initial PUD District Ordinance as set forth herein. The Commission or the Council shall have standing to initiate a change or amend a PUD District Ordinance. Changes that shall require an amendment to a PUD District Ordinance include changes which alter the Concept Plan, Preliminary Architectural Plans or intent of the initial PUD District, as determined by the Director, which shall include but are not limited to:

1. Increases in density or intensity.
2. Changes in the proportion or allocation of land uses.
3. Changes in the list of approved uses.
4. Changes in the locations of uses outside of the parameters set forth by the PUD District Ordinance.
5. Changes in functional uses of Open Space, where such change constitutes an intensification of use of the Open Space.
6. Changes in the Concept Plan such that it creates a conflict with the intent of the PUD District Ordinance established with the original Concept Plan.

(Ord. 071618F, 07/19/2018; Ord. 121922E, 01/17/2023)

Effective on: 1/17/2023

Sec. 10.2.17 Public Improvements

- A. Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.
1. Any public streets which will carry the increased traffic from the development shall be adequate to accommodate such traffic.
 2. Drainage facilities and public utilities shall have sufficient capacity to serve the development.
 3. The Engineering Director shall decide if additional utility, street and drainage improvements are needed as part of the new development
 4. When public improvements are required, the developer or authorized representative is required to post performance and maintenance guarantees for such improvements (see also [Sec. 10.2.8. Construction Surety](#)).
- B. All private streets shall be constructed to the private street standards set forth in the City's Construction Standards (see also [Sec. 7.1.4. Principles & Standards of Design](#)) for the City of Fishers.
- C. Manufactured or mobile home parks shall be in accordance with State Law and their subsequent amendments, the State Board of Health requirements, and the requirements of this UDO.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.18 Sign Permit

A. Purpose & Intent

The purpose of this section is to encourage the effective use of signs as a means of communication in the City; to maintain the City's aesthetic environment by ensuring compatibility of signs with the area surrounding them; to encourage the use of signs appropriate to residential and commercial activities; to ensure the safety of vehicular and pedestrian traffic; and to encourage economic development within the City.

B. Applicability

No sign shall be erected, altered or relocated without a Sign Permit issued by the Director except as otherwise provided within the UDO.

C. Cross-Reference

See [Article 6.17. Signage Standards](#) for sign standards.

D. Application

Applications for a sign permit shall be on forms published by the Department and include appropriate filing fees and documentation set forth in [Article 10.1. Procedures](#).

E. Supporting Documentation

Applications shall be accompanied by the following information.

1. A square footage calculation of any proposed sign(s) and the Sign Plane on which sign is proposed to be located, as well as the location and square footage of all existing on-site sign(s).
2. Elevation and a true color rendering or other realistic depiction of the proposed sign, including size, materials, color and dimensions.
3. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination.
4. Indication of sign type(s) as defined by the UDO.
5. Temporary and special event sign displays shall provide a schedule for sign displays which indicate the dates and duration of the sign displays.
6. Any other information necessary to support a thorough review of the project and as requested in writing by the Director.

F. Application Decision

Upon receipt of a complete application and supportive documents, the Director shall approve, deny, or advise the petitioner of any changes that need to be made to the application within seven (7) business days. If required by certain Zoning Districts, a Sign Permit shall not be approved until the application has been reviewed and approved by the City's Board, Committees, and/or Commission. If additional documentation or changes are requested by staff, then the applicant has thirty (30) days to respond before the application is considered null and void. In determining the need for additional documentation or changes, staff shall consider:

1. The size (e.g. height, width, distance between grade and sign sign, copy size), composition (e.g. materials, posts, poles), lighting or location conditions improved by the Unified Development Ordinance.

G. Effect of Sign Permit Issuance

A sign permit issued under the provisions of the UDO shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign. See also [Sec. 2.3.5. Nonconforming Signs](#).

H. Certificate of Compliance

Upon installation, all signs shall be inspected for compliance and require a Certificate of Compliance (see also [Sec. 10.2.4. Certificate of Compliance](#)).

I. Expiration

A sign permit shall become null and void if work has not been completed within 180 days of the date the permit is issued.

J. Temporary Sign Permit

A Temporary Sign Permit is required before the placement of any type of temporary sign on a building or piece of property.

K. Violations

If any sign or temporary sign is erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the sign shall be in violation of the UDO and is subject to a Stop Work Order, an Order of Removal, mitigation, and/or fines and penalties per [CHAPTER 11. ENFORCEMENT & PENALTIES](#). The property owner, sign owner, lessee, occupant, and/ or sign contractor may be held liable for a violation.

(Ord. [071618F](#), 07/19/2018; Ord. [101121H](#), 11/15/2021; Ord. [041822E](#), 05/16/2022)

Effective on: 5/16/2022

Sec. 10.2.19 Special Exception

A. Permitted

The Board may approve a use listed as a Special Exception in [Sec. 5.1.5. Permitted Use Table](#), and its Accessory Buildings and uses, in accordance with the procedures set forth in this Section, and other regulations applicable to the Zoning District in which the subject property is located.

B. Purpose

A Special Exception is a use that requires more scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community. The Board shall review a Special Exception and its characteristics and impacts to determine its suitability in each location for the Zoning District in which it is permitted. The determination of whether the Special Exception is approved shall be contingent upon: (i) the Special Exception meeting the standards of the UDO and those standards as set forth in this Section; and (ii) the Board weighing, in each case, the public need and benefit against the local impact, giving effect to the proposals of the Applicant for ameliorating adverse impacts through special site planning and development techniques and contributions to the provisions of public improvements, sites, right-of-way and services.

C. Procedures

1. **Application.** Applications for a Special Exception shall be filed in accordance with the requirements of Article 10.1. Procedures.
2. **Action by the Director.** The Director shall review a filed application for completeness. All applications which are determined to be in proper form shall be docketed by the Department for a hearing by the Board.
3. **Board Decision.** Following the public hearing, the Board shall either: (i) reject the application; or (ii) approve, or approve with conditions, the application if the Board finds adequate evidence is shown that the Special Exception meets the criteria set forth herein.

D. Review Criteria

A Special Exception may be approved by the Board only upon a determination in writing that the Special Exception at the proposed location meets the following:

1. The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.
2. The Special Exception will be designed, constructed, operated, and maintained to: (i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.
3. The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.
4. Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services.
5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.
6. The Special Exception will be harmonious with and in accordance with the objectives of the Comprehensive Plan.
7. The Special Exception will be in a Zoning District where such use is permitted and that all other requirements of the Zoning District and this Ordinance, and as may be applicable to such use, will be met.

E. No Presumption of Approval

The listing of a Special Exception as a permitted use does not constitute an assurance or presumption that such Special Exception will be approved. Rather, each Special Exception shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth herein, to determine whether approval of the Special Exception is appropriate at the location and in the manner proposed.

F. Limitations of Approval

The approval of a Special Exception by the Board shall be deemed to authorize only that use at that location for which the approval was granted. Except when otherwise provided by the Board's approval of the Special Exception, a Special Exception shall be deemed to relate to, and be for the benefit of, the use and Lot in question, rather than the Property Owner or operator of such use or Lot.

G. Effect of Approval

The approval of a Special Exception by the Board shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required, which may include but is not limited to approval of Development Plan, Improvement Location Permit, Building Permit and a Certificate of Occupancy.

H. Existing Use

An existing use which is listed herein as a Special Exception, and which is in a Zoning District in which such Special Exception may be permitted, is a conforming use, providing such use meets the minimum Lot Area requirements set forth in the respective Zoning District. Any expansion of such Special Exception involving the enlargement of buildings, structures, and land area devoted to such use, shall be subject to the requirements and procedures described in the UDO.

I. Conditions

In granting a Special Exception, the Board may prescribe conditions and limitations concerning the use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of the UDO upon the premises benefited by a Special Exception as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Any conditions prescribed by the Board shall be recorded in the Office of the Recorder of County, Indiana. Violation of any such condition or limitation shall be a violation of the UDO and shall constitute grounds for revocation of the Special Exception or related Improvement Location Permit, pursuant to CHAPTER 11. ENFORCEMENT & PENALTIES.

J. Appeal

Denial of a Special Exception may be appealed in accordance with IC 36-7-4-1016.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.20 Subdivision (Platting)

A. Authority

This Section establishes the process for the subdivision of land in accordance with CHAPTER 7. SUBDIVISION REGULATIONS, to ensure adherence to the standards of the UDO. Subdivision applications shall be generally considered by the Commission, Plat Committee, and Department. This section does not apply to condominiums regulated by IC 32-25.

B. Purpose & Intent

The purpose of this section is to outline the procedures employed by the City when considering a petition for subdivision of land. Further, the intent of this section is to ensure that the statutory requirements established in the Indiana Code for the subdivision of land are met.

C. Applicability

The procedures set forth in this Section shall be required for any subdivision of land.

D. Application

Application of a Subdivision shall be filed with the Department in the form prescribed by the Director and shall include materials required in Article 10.1. Procedures.

E. Approval Decision.

1. **Major Subdivision:** The approval process of a Major Subdivision is a two (2) step process that includes approval of a Primary Plat and the approval of a Secondary Plat, as set forth herein. The approval or disapproval of a Primary Plat is hereby delegated to the Commission and/or the Plat Committee in accordance with the Commission Rules of Procedures. After a Primary Plat has been approved, a property is eligible for Secondary Plat approval. The approval or disapproval of a Secondary Plat is hereby delegated to the Director.
2. **Minor Subdivision:** The approval of a Minor Subdivision is a two (2) step process that includes approval of a Primary Plat and the approval of a Secondary Plat for five (5) lots or fewer and does not involve new public rights-of-way and complies with all other requirements of the UDO. A Minor Subdivision Primary Plat may be approved by the Plat Committee without public notice and a public hearing, subject to appeal to the Commission. Within 10 days after the Minor Subdivision Primary Plat approval, the Department shall provide notice to interested parties of their right to appeal to the Commission. After a Primary Plat has been approved, a property is eligible for Secondary Plat approval. The approval or disapproval of a Secondary Plat is hereby delegated to the Director.

F. Primary Plat Approval

1. **Phasing.** A Primary Plat may include all or only a part of a larger overall development (e.g., Commercial Planned Unit Development); however, a Primary Plat shall include, at a minimum, the entire parent tract being subdivided. The purpose of this requirement is to avoid the creation of a remainder parcel(s) that does not comply with the UDO or that does not allow for the orderly development of the remainder parcel.
2. **Application Decision.** The Plat Committee will review an application and required information, and will act on the petition in accordance with the UDO, Indiana law, and the Rules of Procedure of the Plan Commission.
3. **Findings of Fact.**
 - a. Approval: The Plat Committee may grant Primary Plat approval if the following facts of approval are made:
 - i. Complies with or is granted a waiver from the requirements in CHAPTER 8. SUBDIVISION & PLANNED UNIT DEVELOPMENT DESIGN STANDARDS; and
 - ii. Complies with all other applicable standards of the UDO.
 - b. Denial: The Plat Committee may deny Primary Plat approval if the following findings of fact are made:
 - i. Does not comply with the requirements of CHAPTER 8. SUBDIVISION & PLANNED UNIT DEVELOPMENT DESIGN STANDARDS; or
 - ii. Does not comply with all other requirements of the UDO.
4. **Commitments.** The Plat Committee may require certain commitments on Primary Plat approval concerning the use or development of the property. Commitments shall be provided to the Department in accordance with Sec. 10.2.6. Commitments.
5. **Conditions of Approval.** The Plat Committee may impose conditions of Primary Plat approval concerning the use or development.
6. **Effect of Approval.** Approval of a Primary Plat shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required, which may include but are not limited to approval of a Secondary Plat, Development Plan, Improvement Location Permit, Subdivision Improvement Permit, Building Permit and a Certificate of Occupancy.
7. **Expiration.** Primary Plat approval shall be valid for three (3) years from the date of approval by the Plat Committee. If the Primary Plat is approved in phases, secondary approval of each phase shall automatically continue the primary approval of the remaining phases to the same expiration date as that for the secondary approval.

G. Secondary Plat Approval

1. **Phasing.** A Secondary Plat may include all or only a part of the Primary Plat which has received approval; however, the Primary Plat must not have expired.
2. **Time Limitation.** A petitioner may apply for Secondary Plat approval within the time provided for appeal under [I.C. 36-7-4-708](#); however, approval of a Secondary Plat shall not be granted until:
 - a. A minimum of 30 days after the approval of a Primary Plat; or
 - b. A minimum of five (5) days after:
 - i. The approval of a Primary Plat by the Plat Committee for which a public hearing was held; or
 - ii. The mailing of notice by the Department of the approval of a Primary Plat by the Director for which a public hearing was not held.
3. **Approval.** Following the petitioner's submittal of revised copies of the Secondary Plat, the Department shall approve the Secondary Plat if it complies with the UDO and is substantially consistent with the approved Primary Plat. If the Secondary Plat is disapproved, then the Director shall set forth the reasons accordingly in the Department records and provide the petitioner with a copy.
4. **Effect of Approval.** Approval of a Secondary Plat shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required, which may include but are not limited to approval of an Improvement Location Permit, Subdivision Improvement Permit, Building Permit, and a Certificate of Occupancy.
5. **Recording of Secondary Plat.** No Secondary Plat, or amendment thereto, of a subdivision shall be recorded until the plat has been approved and signed in accordance with the UDO. Upon approval, the petitioner shall file the signed Secondary Plat for recording in the Office of the Recorder of County, Indiana, as required by law, and shall provide the Department with a recorded copy.
6. **Secondary Plat Amendments.** Amendments to a recorded Secondary Plat shall be processed and reviewed in the same manner as a Secondary Plat application.
7. **Surety Requirements.** In conjunction with the approval of a Secondary Plat, the petitioner shall provide financial surety for all public improvements pursuant to [Sec. 10.2.8. Construction Surety](#).
8. **Covenants and Restrictions.** As part of a Primary or Secondary Plat, the Plat Committee (Primary Plat) or Director (Secondary Plat) may request a description of the proposed or recorded protective covenants or private restrictions if they are to be cross-referenced or incorporated on the plat of the subdivision or if they otherwise establish or grant rights related to the plat (e.g., easements). Covenants and restrictions may not independently lessen any requirement of the UDO or revise, alter, or change in any way any aspect of an approved plat without approval of the Plat Committee (Primary Plat) or Director (Secondary Plat).

(Ord. [071618F](#), 07/19/2018; Ord. [011822](#), 02/21/2022)

Effective on: 7/20/2018

Sec. 10.2.21 Subdivision Improvement Permit

A. Purpose & Intent

The purpose of this Section is to ensure the development of the Commission's jurisdictional area in such a manner as to provide for the improvement of the health, safety, convenience, and welfare of its citizens. Therefore, to this end, a Subdivision Improvement Permit (SIP) shall be required so that new areas grow only with adequate street, parking, drainage, utilities, and health considerations; and that the growth of the community is commensurate with, and promotive of, the efficient and economical use of public funds. A SIP allows site work only (e.g. site grading, infrastructure installation, etc.).

B. Applicability

Within the City and its jurisdictional area, no improvement of land may be altered, changed, placed, erected, or located on platted or un-platted lands in all zoning districts unless the improvement or use and its location conform with the Comprehensive Plan, the UDO, and a SIP for such improvement or use has been issued.

C. Application

Application of an SIP shall be filed with the Department in the form prescribed by the Director and shall include materials required in Article 10.1. Procedures.

D. Application Decision

The Director shall approve or deny the application within 120 working days of the receipt of a completed application, fee, and supportive documents. If the Director denies the application, the Department shall provide the petitioner the reasons for the denial in writing

E. Surety Requirement

In conjunction with the approval of an SIP, the petitioner shall provide financial surety for all public improvements pursuant to Sec. 10.2.8. Construction Surety.

F. Duration

The work or use authorized by a SIP shall commence within six (6) months of the date of issuance; otherwise, the SIP shall lapse and become null and void.

1. **Completion of Work.** All work authorized by an SIP shall be completed within 24 months from the date of issuance, unless good cause for an extension of time for completion is shown to the Director. If the petitioner has failed to complete the work within the prescribed period, the City may cause the work to be completed using the performance surety submitted by the petitioner.
2. **Extension.** One (1) extension of up to six (6) months may be authorized by the Director for reason/cause. The petitioner shall submit the request for extension in writing, including a revised Construction Schedule. The Director shall make a written determination regarding his decision to extend or to deny extension. Both the request and the determination shall be made part of the SIP record.
3. **Resubmittal of Application.** If an SIP has lapsed due to a failure to commence work within the prescribed six-month period or failure to complete the work within the prescribed 24-month period, (or 30-month period if extended), the petitioner shall submit a new application for review and approval before work commences or resumes.

G. Changes or Amendments

The petitioner may submit SIP revisions or amendments for consideration by the Department. The Department may either:

1. Forward the revisions or amendments directly to the Director for approval or denial; or
2. Require TAC review of the revisions or amendments prior to forwarding the revisions or amendments to the Director for consideration.

H. Current Standards

Changes, amendments or resubmittals shall be subject to the Standard Construction Specifications and Details for the City of Fishers in effect at the time the application for such changes, amendment or resubmittal is made.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.22 Temporary Use Permit

A. Purpose & Intent

The purpose of the Temporary Use Permit (TUP) section is to outline the procedure employed by the City to ensure compliance with all applicable ordinances and regulations when considering a petition for the establishment of a temporary use in Article 5.8. Temporary Uses.

B. Applicability

Within the City and its jurisdictional area, no temporary improvement or use of land may be altered, changed, placed, erected, or located on platted or un-platted lands in all zoning districts unless the temporary improvement or use and its location conform with the Comprehensive Plan of the City and a TUP for such temporary improvement or use has been issued.

C. Application

Application of an TUP shall be filed with the Department in the form prescribed by the Director and shall include materials required in Article 10.1. Procedures.

D. Fee Exception

Temporary classrooms established in conjunction with a public or private school, or a religious institution are exempt from application fees.

E. Application Decision

The Director shall approve or deny the application within 10 business days of the receipt of a complete application, fee, and supportive documents (when applicable, the ten 10 days begin upon receipt of any revisions required by TAC).

F. Posting of Permit

The petitioner shall post the TUP on the project site in a conspicuous location.

G. Duration

The work or use authorized by any TUP must be commenced within one (1) month of the date of issuance; otherwise, the TUP shall lapse and become null and void. The valid duration of any TUP shall not exceed two (2) months from the date of issuance.

H. Extension

The Director may grant one (1) extension of up to two (2) months for reason/cause. The petitioner shall submit the request for extension in writing, and the Director shall make a written determination regarding the decision to extend or deny the request.

I. Changes or Amendments

The petitioner may submit revisions or amendments to an approved TUP for consideration by the Department. A revision or amendment to an approved TUP shall only be authorized upon review and approval by the City, local, State, and federal authorities having jurisdiction.

J. Current Standards

Changes, amendments or resubmittals shall be subject to the Standard Construction Specifications and Details for the City in effect at the time the application for such changes, amendment or resubmittal is made.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.23 Text Amendment

A. Purpose & Intent

The purpose of Text Amendment (TA) section is to outline the procedure employed by the City when considering a petition for an amendment to the text of the UDO. Further, the intent of the UDO TA section is to ensure that the statutory requirements established in the Indiana Code for the amending of ordinance text are met.

B. Cross-reference

See [Sec. 10.2.16. Planned Unit Development](#) for the changes or amendments to the text of a PUD District Ordinance.

C. Applicability

The Council or Commission may initiate a TA to the UDO in accordance with [IC 36-7-4-602](#). A proposed TA to [Sec. 2.2.6. Floodplain Administrator](#), [Sec. 10.2.13. Floodplain Standard Appeal](#), [Sec. 10.2.24. Variance](#), or [CHAPTER 9. FLOODPLAIN STANDARDS](#) must be approved by the Division of Water of the Indiana Department of Natural Resources before becoming effective.

D. Application

Application of a TA shall be filed with the Department in the form prescribed by the Director and shall include materials required in [Article 10.1. Procedures](#).

E. Application Decision

An application for a TA shall be reviewed and considered by the Department, City Attorney, Commission and Council.

1. **Department.** The Department shall review a TA application upon receipt of a complete application, supportive documents, and the appropriate fees. The Department shall forward a copy of the TA ordinance draft to the City Attorney for review. The Department shall prepare a written report outlining its findings with respect to the TA proposal.
2. **Commission.** The Commission shall hold a public hearing Procedures for a proposed TA. In reviewing the proposed TA, the Commission shall pay reasonable regard to:
 - a. The Comprehensive Plan;
 - b. Current conditions and the character of current structures and uses in each zoning district;
 - c. The most desirable use for which the land in each zoning district is adapted;
 - d. The conservation of property values throughout the jurisdiction; and
 - e. Responsible development and growth.
3. **Commission Action.** After reviewing and holding the public hearing, the Commission shall certify and forward the proposal to the Council with:
 - a. A favorable recommendation;
 - b. An unfavorable recommendation;
 - c. No recommendation; or
 - d. The Commission may also continue the proposal to a definite future meeting date.
4. **Council.** The Council shall vote on the proposal within 90 days of certification by the Commission in accordance with IC 36-7-4-607. In reviewing the proposed TA application, the Council shall pay reasonable regard to:
 - a. The Comprehensive Plan;
 - b. Current conditions and the character of current structures and uses in each zoning district;
 - c. The most desirable use for which the land in each zoning district is adapted;
 - d. The conservation of property values throughout the jurisdiction; and
 - e. Responsible development and growth.

The Council shall approve, deny, continue or send a proposed TA back to the Commission for modifications. If the Council returns a proposal to the Commission, the Commission shall consider the rejection or amendment, and shall vote on the proposal within 45 days in accordance with the provisions of IC 36-7-4-607.

F. Effective Date

Unless a text amendment ordinance provides for a later effective date, the ordinance takes effect when it is adopted under IC 36-7-4-607. When a provision prescribing a penalty or forfeiture for a violation is approved, it may not take effect until 14 days after the later of the following:

1. The final day on which notice of its adoption is published; or
2. The day on which it is filed in the Clerk-Treasurer's office.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.24 Variance

A. Purpose & Intent

The purpose and intent of this Section is to outline the process by which a Variance for a floodplain standard, development standard and use is requested and considered for approval. Approval of such a Variance shall not be contrary to the public interest, where, owing to special conditions, literal enforcement of the UDO will result in unnecessary hardship.

B. Authority

In no case, shall any Variance to the terms of the UDO be authorized without the approval of the Board. Further, no decisions on previous applications shall serve to set a precedent for any other application before the City. The procedure set forth in this Section shall apply to all Variance of development standard, Variance of use, and Variance of floodplain standard applications.

C. Application

Application for a Variance shall be filed with the Department in the form prescribed by the Director and shall include materials required in Article 10.1. Procedures.

D. Time Limitation

The Director shall refuse to accept a petition for a Variance within six (6) months of the date of denial when said petition involves the same subject matter. However, the Director shall have the authority and discretion to determine that a petition containing major changes may justify re-filing within said six-month period.

E. Application Decision

In acting on all Variance requests, the Board shall use decision criteria to approve or deny Variances consistent with the requirements of Indiana Code as set forth below:

1. **Variances of Use.** A Variance of land use may be approved only upon a determination that the Findings of Fact demonstrate:
 - a. The use will not be injurious to the public health, safety, morals, and general welfare of the community.
 - b. The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner.
 - c. The need for the Variance arises from some condition to the property involved.
 - d. The strict application of the terms of the UDO will constitute an unnecessary hardship if applied to the property for which the Variance is sought.
 - e. Does not interfere substantially with the Comprehensive Plan.
2. **Variances of Development Standards.** A Variance of development standard may be approved only upon a determination that the Findings of Fact demonstrate:
 - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - b. The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner.
 - c. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property.
3. **Variances of Floodplain Standards.** A Variance from CHAPTER 9. FLOODPLAIN STANDARDS may be approved only upon a determination that the Findings of Fact demonstrate:

a. Approval:

- i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 - ii. The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
 - iii. The strict application of the terms of the UDO will result in a practical difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain; and
 - iv. The Floodplain Standards Variance is the minimum necessary, considering the flood hazard, to afford relief; and
 - v. The petitioner has shown good and sufficient cause; and
 - vi. A determination that failure to grant the Floodplain Standards Variance would result in exceptional hardship; and
 - vii. A determination that the granting of a Floodplain Standards 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 [Sec. 9.1.5.C. Critical Facilities](#), [Sec. 9.1.5.D. Standards for Identified Floodways](#), [Sec. 9.1.5.E. Standards for Identified Fringe](#) and/or [Sec. 9.1.5.F. Standards for SFHAs Without Established Based Flood Elevation and/or Floodways/Fringes](#) may be granted.
- c. Any variance granted in a floodway subject to [Sec. 9.1.5.D. Standards for Identified Floodways](#) and [Sec. 9.1.5.F. Standards for SFHAs Without Established Based Flood Elevation and/or Floodways/Fringes](#) of the UDO will require a permit from the Indiana Department of Natural Resources.
- d. Variances to the Provisions for Flood Hazard Reduction section of the UDO, or [Sec. 9.1.5. Provisions for Flood Hazard Reduction](#) may be granted only when a new structure is to be located on a lot of ½ acre or less in size, contiguous to and surrounded by 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 application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation 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.
- h. The Floodplain Administrator shall maintain records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.
- i. Findings of Fact for a Historic Structure: A Floodplain Standards Variance may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects. The Board may grant a variance if, after a public hearing, the Board makes these additional written findings of fact that:
- i. The proposed repair or rehabilitation shall not preclude the structure's continued designation as an "historic structure"; and
 - ii. The Floodplain Standards Variance is the minimum required to preserve the historic character and design of the structure.

j. Permit Requirement: In addition to the local Floodplain Development Permit, any Floodplain Standards Variance granted in a floodway subject to [Sec. 9.1.5.C. Critical Facilities](#) or [Sec. 9.1.5.E. Standards for Identified Fringe](#) shall require a permit for construction in a Floodway from the Indiana Department of Natural Resources.

4. **Denial.** The Board shall deny a variance from the floodplain standards of the UDO if, after a public hearing, the Board makes written Findings of Fact that:

- a. The approval will be injurious to the public health, safety, morals, and/or general welfare of the community; or
- b. The use and/or value of the area adjacent to the subject property are adversely affected, or
- c. The need for the Variance does not stem from an unusual or peculiar condition related to the subject property, or
- d. The strict application of the terms of the UDO will not result in a practical difficulty; or
- e. The approval of the Variance contradicts the goals and objectives of the Comprehensive Plan.

5. **Additional Findings of Facts for Denial of a Floodplain Variance.** In addition to the (4)(a) through (4)(e) above, a Floodplain Standard Variance may be denied if the Board makes the additional Findings of Fact:

- a. The Floodplain Standards Variance is greater than the minimum necessary, considering the flood hazard, to afford relief; or
- b. The petitioner has failed to show good and sufficient cause; or
- c. Failure to grant the Floodplain Standards Variance would not result in exceptional hardship; or
- d. The granting of a Floodplain Standards Variance will 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.

6. Variances of Signage Standards

- a. Approval: A Variance from [Article 6.17. Signage Standards](#) may be approved by the Board upon a determination that the Findings of Fact demonstrate:
 1. That the location and placement of the sign will not endanger or distract motorists or pedestrians; and,
 2. That the sign will not cover or blanket any prominent view of a structure or facade of historical or architectural significance; and,
 3. That the sign will not obstruct views of users of adjacent buildings; and,
 4. That the sign will not interfere with the visual quality of public open space ; and,
 5. That the sign is compatible with building heights of the existing skyline; and,
 6. That the sign does not impose a foreign element to an existing skyline; and,
 7. That the sign's illumination, lighting or digital character will not distract motorists or pedestrians nor contribute to hazardous or unsafe driving conditions for motorists; and,
 8. That the sign size (e.g. height, width, distance between grade and sign, copy size), composition (e.g. materials, posts, poles), lighting or location conditions are consistent with the time, place and manner conditions imposed by the Unified Development Ordinance.
- b. Denial. The Board shall deny a variance from the [Article 6.17. Signage Standards](#) if, after a public hearing, the Board makes written Findings of Fact:
 1. That the location and placement of the sign will endanger or distract motorists or pedestrians; or,
 2. That the sign will cover or blanket a prominent view of a structure or facade of historical or architectural significance; or,
 3. That the sign will obstruct views of users of adjacent buildings; or,
 4. That the sign will interfere with the visual quality of public open space; or,
 5. That the sign is not compatible with building heights of the existing skyline; or,
 6. That the sign imposes a foreign element to an existing skyline; or,
 7. That the sign's illumination, lighting or digital character will distract motorists or pedestrians or contribute to hazardous or unsafe driving conditions for motorists; or,
 8. That the sign alters size (e.g. height, width, distance between grade and sign, copy size), composition (e.g. materials, posts, poles), lighting or location conditions so that it is not consistent with the time, place or manner conditions imposed by the Unified Development Ordinance.

F. Commitments

The Board may require the owner of the property to make written commitments concerning the use or development of the property (see also [Sec. 10.2.6. Commitments](#)).

G. Conditions

The Board may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a Variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements near the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the Variance (see also [Sec. 10.2.7. Conditions of Approval](#)).

H. Effect of Approval

Approval of a Variance shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required, which may include but are not limited to approval of a Primary or Secondary Plat, a Development Plan, Improvement Location Permit, a Subdivision Improvement Permit, Sign Permit, Building Permit and/or a Certificate of Occupancy.

I. Duration

Unless a more stringent standard is applied pursuant to a commitment or condition of approval, a Variance granted by the Board shall run with the parcel until the property conforms with the UDO as written.

J. Changes or Amendments

Any change to an approved Variance shall be the subject of a new Variance petition.

K. Current Standards

Changes, amendments or resubmittals shall be subject to Sec. 7.1.4. Principles & Standards of Design in effect at the time the application for such changes, amendment or resubmittal is made.

L. Acknowledgement of Variance

Approval of a Variance shall be memorialized in an acknowledgement of Variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted Variance and any commitments made or conditions imposed in granting of the Variance; (ii) be signed by the Director, Property Owner and Applicant (if applicant is different than property Owner); and (iii) be recorded against the subject property, with appropriate cross-reference(s), in the Office of the Recorder of County , Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted Variance.

M. Compliance and Violations

No permit shall be issued which does not comply with an approved Variance, conditions of approval, or commitments. Violations of an approved Variance, conditions of approval or commitments shall constitute grounds for revocation of the Variance.

(Ord. 071618F, 07/19/2018; Ord. 041822E, 05/16/2022)

Effective on: 5/16/2022

Sec. 10.2.25 Zoning Map Change (Rezone)

A. Purpose & Intent

The purpose of this section is to outline the procedure employed by the City when considering a petition for the rezoning or initial zoning of real property within the jurisdictional area of the Commission. Further, the intent of the Zoning Map Change section is to ensure that the statutory requirements established in the Indiana Code for the zoning of real property are met.

B. Initiation

The Council, Commission, or property owners who own at least 50% of the land involved (i.e. a controlling interest in each parcel of land proposed for rezoning) may have standing to initiate a petition for rezoning or initial zoning.

C. Applicability

The Zoning Map Change section is applicable to proposals to establish a zoning district on real property that has not previously been zoned (initial zoning) or to change the Zoning District classification of a parcel of real property to a different Zoning District classification other than a PUD zoning district (rezoning).

D. Application

Applications for a Zoning Map Change shall be filed with the Department in accordance with Article 10.1. Procedures.

E. Application Decision

An application for a Zoning Map Change shall be reviewed and considered by the Department, Commission and Council.

1. **Department.** The Department shall review a Zoning Map Change application upon receipt of a complete application, supportive documents, and the appropriate fees. The Department shall prepare a written report to the Commission outlining its findings with respect to the Zoning Map Change proposal.
2. **Commission.** The Commission shall hold a public hearing in accordance with the Commission Rules of Procedures for a proposed Zoning Map Change. As part of the review, the Commission shall pay reasonable regard to:
 - a. The Comprehensive Plan;
 - b. Current conditions and the character of current structures and uses in each zoning district;
 - c. The most desirable use for which the land in each zoning district is adapted;
 - d. The conservation of property values throughout the jurisdiction; and
 - e. Responsible development and growth.
3. **Commission Action.** After reviewing holding the public hearing, the Commission shall certify and forward the proposal to the Council with:
 - a. A favorable recommendation with or without commitments and conditions of approval;
 - b. An unfavorable recommendation;
 - c. No recommendation; or
 - d. The Commission may continue the proposal to a definite future meeting date.
4. **Council.** The Council shall vote on the proposal within 90 days of certification by the Commission in accordance with IC 36-7-4-608. In reviewing the proposed Zoning Map Change application, the Council shall pay reasonable regard to:
 - a. The Comprehensive Plan;
 - b. Current conditions and the character of current structures and uses in each zoning district;
 - c. The most desirable use for which the land in each zoning district is adapted;
 - d. The conservation of property values throughout the jurisdiction; and
 - e. Responsible development and growth.
5. The Council shall make the final determination on a Zoning Map Change proposal. If the Council returns a proposal, the Commission shall consider the rejection or amendment, and shall vote on the proposal within 45 days in accordance with the provisions of IC 36-7-4-608.

F. Commitments

In conjunction with its recommendation to the Council regarding a Zoning Map Change, the Commission may recommend that the Council permit or require the petitioner to make written commitments concerning the use or development of the parcel. Commitments shall be provided in accordance with this Article (see also Sec. 10.2.6. Commitments).

G. Conditions of Approval

In conjunction with its recommendation to the Council regarding a Zoning Map Change, the Commission may recommend that the Council impose conditions of approval concerning the use or development of the parcel (see also Sec. 10.2.7. Conditions of Approval).

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 10.2.26 Change of Tenant - Large Scale Tenant Spaces

A. Permitted

The City Council may approve a change of tenant for tenant spaces with a floor area of 25,000 square feet or greater for COMMERCIAL or PUBLIC & INSTITUTIONAL uses listed under [Sec. 5.1.5. Permitted Use Table](#), excluding medical or office, in accordance with the procedures set forth in this Section, and other regulations applicable to the Zoning District in which the subject property is located.

3. Purpose

A Change of Tenant for large scale tenant spaces requires more scrutiny and review because of potentially adverse impacts upon the immediate neighborhood and the community. The City Council shall review a Change of Tenant and its characteristics and impacts to determine its suitability in each location for the Zoning District in which the COMMERCIAL or PUBLIC & INSTITUTIONAL use is permitted. The determination of whether the Change of Tenant is approved shall be contingent upon: (i) the Change of Tenant meeting the standards of the UDO and those standards as set forth in this Section; and (ii) the City Council weighing, in each case, the public need and benefit against the local impact, giving effect to the proposals of the Applicant for ameliorating adverse impacts through special site planning and development techniques and contributions to the provisions of public improvements, sites, right-of-way, and services.

C. Procedures

1. **Application.** Applications for a Change of Tenant shall be filed in accordance with the requirements of [Article 10.1. Procedures](#).
2. **Action by the Director.** The Director shall review a filed application for completeness. All applications which are determined to be in proper form shall be docketed by the Department for consideration by the City Council.
3. **Council Decision.** The City Council shall: (i) reject the application; (ii) approve the application; or (iii) approve the application with conditions if the City Council finds adequate evidence is shown that the Change of Tenant meets the criteria set forth herein.

D. Review Criteria

A Change of Tenant application may be approved by the City Council only upon a determination in writing that the Change of Tenant at the proposed location meets all of the following:

1. The establishment, maintenance, or operation of the Change of Tenant will not be detrimental to or endanger the public health, safety, morals, or general welfare.
2. The Change of Tenant will be designed, constructed, operated, and maintained to: (i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.
3. The establishment of the Change of Tenant will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.
4. Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Change of Tenant will not result in excessive additional requirements at public expense for such public facilities and services.
5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.
6. The Change of Tenant will be harmonious with and in accordance with the objectives of the

Comprehensive Plan.

7. The Change of Tenant will be in a Zoning District where such use is permitted and that all other requirements of the Zoning District and this Ordinance, and as may be applicable to such use, will be met.

E. No Presumption of Approval

The listing of a Change of Tenant as a permitted use does not constitute an assurance or presumption that such Change of Tenant will be approved. Rather, each Change of Tenant shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth herein, to determine whether approval of the Change of Tenant is appropriate at the location and in the manner proposed.

F. Limitations of Approval

The approval of a Change of Tenant by the City Council shall be deemed to authorize only that tenant at that location for which the approval was granted. Except when otherwise provided by the City Council's approval of the Change of Tenant, a Change of Tenant shall be deemed to relate to, and be for the benefit of, the tenant and Lot in question, rather than the Property Owner or operator of such tenant or Lot.

G. Effect of Approval

The approval of a Change of Tenant by the City Council shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required, which may include but is not limited to approval of Development Plan, Improvement Location Permit, Building Permit and a Certificate of Occupancy.

H. Conditions

In granting a Change of Tenant, the City Council may prescribe conditions and limitations concerning the use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of the UDO upon the premises benefited by a Change of Tenant as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Any conditions prescribed by the City Council shall be recorded in the Office of the Recorder of County, Indiana. Violation of any such condition or limitation shall be a violation of the UDO and shall constitute grounds for revocation of the Change of Tenant or related Improvement Location Permit or Building Permit, pursuant to CHAPTER 11. ENFORCEMENT & PENALTIES.

I. Appeal

Denial of a Change of Tenant by City Council may be appealed in the appropriate court.

(Ord. 062121B, 07/19/2021)

Effective on: 7/19/2021

CHAPTER 11. ENFORCEMENT & PENALTIES

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Sec. 11.1.1. Authority

A. The Commission, Board, Council, the Director, the Building Commissioner, the Fire Marshal, the Ordinance Violations Bureau, and their delegates (here after referred to as the "City" within this Chapter) are designated to enforce the provisions, regulations, and intent of the UDO.

B. The City may also utilize the provisions of [Title III: Administration; Chapter 36: Ordinance Violations Bureau](#) of the Fishers, Indiana Code of Ordinances to enforce the UDO.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 11.1.2. Authority to Investigate Potential Violations

Complaints made pertaining to the UDO may be investigated by the City. Also, any violations suspected by the Commission, Council or Director shall be investigated by the Director's designee. Action may or may not be taken depending on the circumstances. The degree of action required after the investigation, if any, shall be at the discretion of the inspector.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 11.1.3. Inspection of Property

A. Investigations of property may be conducted by the City either from a right-of-way without permission of the property owner, or adjacent property (with permission of the adjacent property owner), or from the property suspected of a violation once the inspector has presented sufficient evidence of the inspector's authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

B. If the inspector is denied entry, and provided there is sufficient evidence of a violation of the UDO, the City may apply to the City Court or any other court of competent jurisdiction (hereafter referred to collectively as the "Court" within this Chapter) to invoke legal, equitable, or other available remedy, including application for a warrant, for the enforcement of the UDO or any applicable ordinances.

C. The Court may, in its discretion, issue an order requiring the owner, tenant, and/or other occupant to permit entry by the City for the purposes documented in any warrant application.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 11.1.4. Legal Responsibility for Violations

The owner, tenant, and/or occupant of any property or building, or part thereof, collectively shall be responsible for any violation of the UDO.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 11.1.5. Liability

A structure that is erected or converted, or land used in violation of the UDO or its subsequent amendments may be deemed a common nuisance and the owner, possessor, and/or tenant of such structure or land shall be liable for said nuisance.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 11.1.6. Violations During Construction

A. The City may place a Stop Work Order or Notice of Violation on any lot improvement process. A Stop Work Order or Notice of Violation shall be issued by written notice, shall describe the violation, and shall state that the unauthorized work or conduct must stop immediately until such work or conduct is corrected. This notice shall be posted in a conspicuous place on the property or be delivered/mailed to the owner, developer, property manager, tenant, and/or occupant. The Director or a designee shall meet with the person served the Stop Work Order or Notice of Violation within seven (7) working days of receiving a request by such person. A Memorandum of Agreement shall be drafted stating the conditions under which construction or action may be resumed. This Memorandum of Agreement must be signed by the owner, developer, property manager, tenant, and/or occupant that has caused or is responsible for the violation and by the Director or a designee.

B. Reasons for a Stop Work Order include:

1. Not complying with development standards and/or any regulations of the UDO;
2. Not obtaining a required permit;
3. Not meeting the conditions of approval or commitments attendant to a Commission, Board, or Council decision, or of a required permit;
4. Not meeting the conditions of development commitments, site plans, development plan, construction plans, or covenants that are enforceable by the Commission;
5. Not obtaining any other permit necessary for site/property improvement as called out in local code or UDO;
6. Illegal use or expansion of a use in a building/structures or illegal use of land or any combination.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 11.1.7. Types of Violations

The following items shall be deemed civil zoning violations, enforceable by the Commission, Council, or Director. Penalties may be imposed based on the provisions set forth in this Chapter.

- A. The placement of a primary structure, accessory structure, sign, sign structure, or any other element, whether temporary or permanent, that does not conform with the provisions or explicit intent of the UDO.
- B. The erection of a primary structure, accessory structure, sign, sign structure, or any other element, whether temporary or permanent, that conforms with the provisions or explicit intent of the UDO.
- C. The failure to maintain a primary structure, accessory structure, sign, or any other element, whether temporary or permanent, in a manner that does not conform with the provisions or explicit intent of the UDO.
- D. The failure to obtain an Improvement Location Permit, Building Permit, Sign Permit, Temporary Use Permit or any other required permit under the UDO when required prior to initiation of improvements, change of land use, or other modifications regulated under this Ordinance.
- E. The failure to obtain a Certificate of Occupancy.
- F. Maintaining a use or uses that do not comply with the provisions or explicit intent of the UDO.

- G. Any failure to comply with any regulations of the UDO, including, without limitation: development standards, design standards, Improvement Location Permit, Building Permit, Sign Permit, Temporary Use Permit, site plan, planned unit development, commitments made, or conditions of approval imposed.
- H. Disregarding a Stop Work Order.
 - I. Violating the terms of a Memorandum of Agreement.
- J. Any failure to comply with commitments required with a rezoning, approval of a detailed development plan, special exception, variance, or other similar commitment.
- K. Failure to place and maintain premises address identification numerals in a conspicuous location on the property.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 11.1.8. Procedure for Violations

There shall be a two (2) step procedure for violations of the UDO:

A. **Step 1 - Notice of Violation**

1. The City shall issue a Notice of Violation letter to the person who is responsible for the violation. The Notice of Violation letter shall state that a violation has been determined and that the person responsible for the violation must correct the violation within a given timeframe:
 - a. In the case of a Temporary Use or Temporary Sign, the corrective action can be required within two (2) hours but in no case longer than 10 working days.
 - b. All other violations (not temporary in nature) shall receive a certain time, typically including a weekend, for corrective action; however, in no case shall the period exceed 30 calendar days, unless a written and approved explanation is entered in the file by the Director.
2. If the violation has been corrected within the timeframe provided on the Notice of Violation, no further action will be taken and no fines will be imposed. If the violation is not corrected within the timeframe outlined in the Notice of Violation, then the fines shall be assessed as outlined in Sec. 11.1.10. Fines & Penalties below. Each day the violation remains uncorrected thereafter shall constitute a separate violation.
3. A Notice of Violation issued shall contain the following:
 - a. The date and time of personal contact or the postmark date of the letter issued;
 - b. The name and address of the person or company charged;
 - c. The section number of the pertinent ordinance that has been violated (each separate section may be considered separate offenses and subject to separate fine and penalties;
 - d. The nature of the civil violation(s);
 - e. The place and time at which the violation(s) occurred;
 - f. The range of fines that could be assessed upon continued noncompliance;
 - g. The specific time allowed to bring the violation into compliance; and
 - h. The name, business address and telephone number of the official issuing the notice of violation.
4. Failure to comply with the terms of the Notice of Violation will result in Step 2, Legal Action.

B. **Step 2 - Legal Action**

If a violation identified in the Notice of Violation letter is not corrected within the terms of the Notice, then the matter will be turned over to City Attorney for legal enforcement with the Court. The City Attorney may pursue all remedies available under the UDO and, IC 36-7-4-1000, and all other applicable State law.

(Ord. 071618F, 07/19/2018)

Effective on: 7/20/2018

Sec. 11.1.9. Enforcement, Remedies, & Injunctive Relief

- A. The City or any enforcement official designated by the UDO may bring an action in Court to invoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under [I.C. 36-7-4 et seq.](#), including, without limitation, the UDO.
- B. The City or any enforcement official designated by the UDO may also bring an action in Court for violations of the following:
1. Agreements between the City or its designees that have been recorded as covenants in connection with a subdivision plat, a development plan, or a planned unit development.
 2. Commitments made in accordance with [I.C. 36-7-4 et seq.](#)
 3. Conditions imposed in accordance with [I.C. 36-7-4 et seq.](#)
- C. The Board, or any enforcement official designated by the UDO may bring an action in Court to restrain a person from violating [I.C. 36-7-4 et seq.](#) or any ordinance adopted under [I.C. 36-7-4 et seq.](#), including, without limitation, the UDO.
- D. The Board or any enforcement official designated by the UDO may bring an action in the Court for a mandatory injunction directing the removal of any structure erected in violation of the UDO or applicable statute. If the Board or enforcement official designated by the UDO prevails in any such action, it shall be entitled to recover its reasonable attorney fees and costs from the defendant.
- E. An action to enforce a commitment made in accordance with [I.C. 36-7-4 et seq.](#) may be brought in the Court by:
1. Any person who is entitled to enforce a commitment made in accordance with [I.C. 36-7-4 et seq.](#) under the rules of the Commission or the Board in force at the time the commitment was made; or
 2. Any other specially affected person who was designated in the commitment.
- F. When a person has been found to have committed a civil violation, the Court may impose additional civil penalties and grant appropriate relief to abate or halt the violation, and the Court may direct that payment of the civil monetary fine or additional civil penalties be suspended or deferred under conditions established by the Court.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 11.1.10. Fines & Penalties

- A. Monetary fines will be imposed based the nature of violation:
1. Temporary Signage/Banners
 2. Temporary Uses
 3. Permanent Signage or Sign Structures
 4. All Other Violations of the UDO
- B. Unless corrected pursuant to [Sec. 11.1.10.A.](#) above, monetary fines will be imposed as follows:
1. \$200.00 per temporary sign or banner violation determined per day
 2. \$500.00 per temporary use violation determined per day
 3. \$300.00 per any other violations of the UDO determined per day

Consistent with [Sec. 11.1.8.A.](#), each day the violation remains unconnected shall constitute a separate violation.

- C. Payment of any violation shall be delivered to the City who shall deposit the funds in an account as determined by the Council. A receipt of payment must be recorded and a receipt issued to the person making payment.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 11.1.11. Appeals or Trials

- A. In accordance with [IC 36-7-4-1000](#), any person receiving a Notice of Violation may dispute the violation by submitting a written statement to the Board via certified mail at least three (3) business days prior to the date the fine is due and a hearing shall be held in accordance with [§36-7-4-919](#) and [920](#).
1. Any person receiving a Notice of Violation of [Sec. 2.3.8. Nonconforming Accessory Site Features](#) may dispute the violation by submitting a written statement of appeal with the basis of appeal to the Board via certified mail within ten (10) business days of receipt of the Notice of Violation and a hearing shall be held in accordance with [§36-7-4-919](#) and [920](#).
- B. If the Board upholds the violation, that decision may be appealed to the City Court within five (5) business days. The City Court shall forward such written statement to the City Attorney, who may, in its discretion, pursue all remedies specified in this Chapter.
- C. Any fines claimed as due and owing shall be postponed pending resolution of any legal action initiated by the City Attorney.

(Ord. [071618F](#), 07/19/2018; Ord. [031626B](#), 04/20/2026)

Effective on: 4/20/2026

CHAPTER 12. DEFINITIONS

Article 12.1. General Provisions

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Sec. 12.1.1. General Meaning of Words & Terms

Sec. 12.1.2. Graphics, Illustrations, Photographs & Flowcharts

Sec. 12.1.3. Abbreviations in the UDO

Sec. 12.1.1. General Meaning of Words & Terms

- A. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in the UDO or the context in which they are used clearly indicates to the contrary.
- B. In the absence of court decisions or Board decisions specifically interpreting a provision in question, specific definitions listed in the UDO or previous interpretations of a provision by the Director, the meaning of provisions shall be based on the following general hierarchy of sources:
1. For a legal term, definitions in a legal dictionary or if not a legal term, definitions in an ordinary dictionary;
 2. Statements of the purpose and intent of sections or background reports and studies adopted or referred to in the UDO, although such documents cannot overrule a specific code provision;
 3. Minutes of discussions of legislative or advisory bodies considering adoption of the provision in question;
 4. Definitions of similar terms contained in Federal and State statutes and regulations; and
 5. Ordinary rules of grammar.
- C. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate canon, maxim, principle or other technical rule of interpretations or construction used by the courts of this State may be employed to resolve vagueness and ambiguity in language.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 12.1.2. Graphics, Illustrations, Photographs & Flowcharts

- A. The graphics, illustrations, photographs and flowcharts used to explain visually certain provisions of the UDO are for illustrative purposes only. Where there is a conflict between a graphic, illustration, photograph or flowchart and the text of the UDO, the text of the UDO controls.

B. Certain images in the UDO were created by a consultant and are the property of the City of Fishers as part of this UDO. Other images are the property of Raleigh, North Carolina and Palm Desert, California, and were used with their permission.

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Sec. 12.1.3. Abbreviations in the UDO

A. [BFE](#): Base Flood Elevation

B. [DBH](#): Diameter at Breast Height

C. [DNR](#): Department of Natural Resources (Indiana)

D. [FAA](#): Federal Aviation Administration

E. [FC](#): Footcandle

F. [FEMA](#): Federal Emergency Management Agency

G. [FIA](#): Federal Insurance Administration

H. [FIRM](#): Flood Insurance Rate Map

I. [INDOT](#): Indiana Department of Transportation

J. [NAVD](#): North American Vertical Datum of 1988 (as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within a [floodplain](#)).

K. [NFIP](#): National Flood Insurance Program

L. [PUD](#): Planned Unit Development

(Ord. [071618F](#), 07/19/2018)

Effective on: 7/20/2018

Article 12.2. Defined Terms

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(Ord. [071618F](#), 07/19/2018; Ord. [081919D](#), 08/19/2019; Ord. [111620B](#), 12/21/2020; Ord. [062121B](#), 07/19/2021; Ord. [101121H](#), 11/15/2021; Ord. [011822](#), 02/21/2022; Ord. [041822E](#), 05/16/2022; Ord. [121922E](#), 01/17/2023; Ord. [022425F](#), 04/21/2025; Ord. [100625A](#), 11/17/2025; Ord. [031626B](#), 04/20/2026; Ord. [031626C](#), 04/20/2026)

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